CITY OF ROCHESTER COUNCIL AGENDA COUNCIL/BOARD CHAMBERS GOVERNMENT CENTER 151 4TH STREET SE

MEETING NO. 13 JUNE 2, 2003 REGULAR 7:00 P.M.

PLEDGE OF ALLEGIANCE

Signage

PAGE	E	
1-2	A)	NONE: OPEN COMMENT PERIOD
	B)	CALL TO ORDER
	C)	LETTERS AND PETITIONS
3-4	D)	CONSENT AGENDA/ORGANIZATIONAL BUSINESS
	,	1) Approval of Minutes
5-6		2) APPROVED: Fire Station #3 - Lease
7-8		3) APPROVED: Bid award, acceptance of State Aid Agreement and Amendment to Engineering Agreement for boiler replacement project
9-10		4) APPROVED: Agreements with AGD, Inc.
11-12		5) APPROVED: Adopt Revised Records Retention Schedule
13-16	i	6) APPROVED EXCEPT FOR BON'S BUFFET: Licenses,
17-18	!	Bonds and Miscellaneous Activities 7) APPROVED: On Sale 3.2% Malt Liquor & Wine License for
17-10	•	7) APPROVED: On Sale 3.2% Malt Liquor & Wine License for "Sanus" Bosnian Café and Grill
19-20)	8) APPROVED: Accounts Payable
21-22		9) APPROVED: Change Order #4 – Fire Station #3
23-26	i	10) APPROVED: Annexation Petition #03-17 by Graham Properties Ltd., Partnership to annex approximately 90 acres of land within the Marion Township Orderly Annexation Agreement
27-36	i	11) APPROVED: Decision on the need for an Environmental Impact Statement for the Prairie Crossing development
37-38	}	12) APPROVED: Olmsted County Housing and Redevelopment Authority Request for Patrol Services
39-40)	13) APPROVED: Development Agreement – Bamber Valley Estates
41-42		14) APPROVED: Revocable Permit: Folwell Ridge Project Entrance

43-44	15)	APPROVED: Engineering Services to Evaluate the Flooding of the Drainage Way between Chalet Drive and 31 st Street SW near 3 rd Ave. NW Project J4014
45-46	16)	APPROVED: Development Agreement – Kingsbury Hills Supplement #2
47-48	17)	APPROVED: Development Agreement – Field Stone Development
49-50 51-52	18) 19)	APPROVED: Stormwater Management Agreements APPROVED: Pedestrian Facilities Agreement – TDK Partnership for Lot 2, Block 1 Radichel Second Replat, Olmsted County, Minnesota
53-54	20)	APPROVED: Contribution & Pedestrian Facilities Agreement – AMT Management LLC (Lot 3, Block 1, South Broadway Business Center First Addition)
E)	HEAR	RINGS
55-104	1)	APPROVED: Appeal #03-01 and Conditional Use Permit #03-11 by Zumbro River Constructors and William Quick appeal the decision of the Rochester Planning and Zoning Commission to deny Variance #03-07, considered concurrently.
105-116	2)	CONTINUED TO JULY 7: Land Use Plan Amendment Petition #03-04 to amend the land use plan designation from Low Density Residential to Industrial on property located along the west side of TH63, east of East River Road N.E. and north of 41 st Street N.E.
117-124	3)	CONTINUED TO JULY 7: Zoning District Amendment #03-09 to amend the zoning district from I to M-1 on property located along the west side of TH63, east of East River Road N.E. and north of 41 st Street N.E.
125-148	4)	CONTINUED TO JULY 7: General Development Plan #206 to be known as Morris Meadows by Morris Memorial LLC and Allen Koenig
149-166	5)	APPROVED: Type III, Phase II Special District Amendment Final Site Development Plan #03-01 by Elton Hills Plaza West LLC to allow the construction of a building in the 41st Street Business Park platted as Lot 2, Block 1.
167-186	6)	APPROVED: Type III, Phase II Special District Amendment Final Site Development Plan #03-02 by Elton Hills Plaza West LLC to allow the construction of a building in the 41st Street Business Park platted as Lot 5, Block 1.
187-210	7)	APPROVED: General Development Plan #207 by Us LLC to be known as Pinewood Ridge
211-232	8)	APPROVED: Land Subdivision Permit #03-13 to be known as Viola Hills Subdivision by Todd Ustby

- 233-244 9) **APPROVED:** Final Plat #02-41 by Hawkridge Development, LLC to be known as Hawk Ridge 245-252 10) **APPROVED:** Final Plat #02-65, to be known as Kingsbury Hills Fifth Subdivision, by Joel Bigelow & Sons Enterprises, Inc., 253-258 11) **APPROVED:** Final Plat #03-16 to be known as Berean First Addition by Berean Fundamental Church 259-266 12) **APPROVED:** Hearing on Text Amendment #03-04 initiated by the City Planning and Zoning Commission to amend Sections 64.260, 64.261, 64.262, and 64.263 of the Rochester Zoning Ordinance and Land Development Manual changing the address Quadrant Roadway System and E911 addressing authority identification.
 - F) REPORTS AND RECOMMENDATIONS
- 267-268 1) **APPROVED:** Agreement with Olmsted County for 55th Street NW & TH 52 W Frontage Road Traffic Signal and Local Street Connection
- **G)** RESOLUTIONS AND ORDINANCES 269-270
 - H) TABLED ITEMS
 - I) OTHER BUSINESS
 - 1) **APPROVED:** 120-Day Parking Moratorium
 - J) ADJOURNMENT

MEETING DATE: 6/2/03

AGENDA SECTION: OPEN COMMENT PERIOD	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. A
ITEM DESCRIPTION: OPEN COMMENT PERIOD		PREPARED BY: S. KVENVOLD

This agenda section is primarily for the purpose of allowing citizens to address the City Council on a topic of their choice. The following guidelines apply:

- This section of the agenda may not be used as a forum to continue discussion on an agenda item which has already been held as a public hearing.
- This agenda section is limited to 15 minutes and each speaker is limited to 4 minutes.
- Any speakers not having the opportunity to be heard will be first to present at the next Council meeting.
- Citizens may only use this forum to address the Council on a maximum of one time per month.
- Matters currently under negotiation, litigation or related to personnel will not be discussed in this forum.
- Questions posed by a speaker will generally be responded to in writing.

OUNCII ACTION: Mation but	Second by:	to	
OUNCIL ACTION: Motion by:	Second by:	to:	



3

REQUEST FOR COUNCIL ACTION

MEETING

	REGOLOTTORO	SONOIL ACTION	DATE: 6/2/03
AGENDA SECTION:		ORIGINATING DEPT:	ITEM NO.
CONSENT AGEN	JDA	CITY ADMINISTRATOR	D-1-20
001(021(1102)			
ITEM DESCRIPTION: APP	PROVAL OF CONSENT AGEN	IDA ITEMS	PREPARED BY:
			G. NEUMANN
			<u></u>
This RCA lists all the i	tems which have been inclu	ded in the consent agenda for	this meeting. The
		otion to approve. The Council	
		er there are any of these items	
		I and to have them discusse	
separately by the Counc	-		,
The consent agenda for	this meeting consists of the f	following RCAs:	
Titlo consont agonaa ioi	tine meeting conclusion of the		
1)	Approval of Minutes		
2)	Fire Station #3 - Lease		
3)	Bid award, acceptance of	State Aid Agreement and Ame	endment to Engineering
	Agreement for boiler replacem		0 0
4)	Agreements with AGD, Inc.	, -	
5)	Adopt Revised Records Reter	ntion Schedule	
6)	Licenses, Bonds and Miscella	neous Activities	
7)	•	Vine License for "Sanus" Bosnian C	Café and Grill
8)	Accounts Payable		
9)	Change Order #4 – Fire Station		
10)		by Graham Properties Ltd.,	•
		land within the Marion Towns	inip Orderly Annexation
11)	Agreement Decision on the need for an	Environmental Impact Statement	for the Prairie Crossing
11)	development	Environmental impact statement	. Tot the France Orossing
12)		Redevelopment Authority Request	for Patrol Services
13)	Development Agreement – Ba		
14)	Revocable Permit: Folwell Ric	-	
15)	Engineering Services to Evalu	ate the Flooding of the Drainage V	Vay between Chalet Drive
,	and 31 st Street SW near 3 rd Av		
16)	Development Agreement – Ki		
17)	Development Agreement – Fig	· ·	
18)	Stormwater Management Agr		
19)		ent – TDK Partnership for Lot 2, I	Block 1 Radichel Second
00)	Replat, Olmsted County, Minn		mont II C /Lot 2 Plack 1
20)	South Broadway Business Ce	cilities Agreement – AMT Manager	Herit LLC (Lot 3, block 1,
	Soull Bloadway Busiless Ce	anter i list Addition)	
COUNCIL ACTION	ON REQUESTED:		
<u>ooonoil 710111</u>	<u> </u>		
Motion to approv	e consent agenda items		
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		0 11	
COUNCIL ACTION: M	otion by:	Second by:	to:



MEETING DATE: 6/2/03

AGENDA SECTION: Consent	ORIGINATING DEPT: Administration	ITEM NO.
ITEM DESCRIPTION: Fire Station #3 - Lease		PREPARED BY: Doug Knott

Fire Station #3 is located at 1803 2nd Street SW. The building has been vacant since the move to the new station. It sits at a prime location. We believe there will be significant interest in purchasing it following the construction of the Highway 52 improvements. Until that time, staff is requesting permission to lease it. This would provide some revenue for the City and eliminate our costs for maintaining the property during the interim.

The new frontage roads and the temporary bridge over 2nd Street are scheduled for completion in 2003. The reconstruction of the southbound Hwy 52 traffic lanes, from Civic Center Drive southward, is scheduled for completion in 2004. We would limit the lease period to coincide with this work. The considerable traffic disruption in the 2nd Street SW frontage road area will affect the type of tenant interested in the property and the amount of rent we will be able to obtain.

City staff has shown the property to several potential tenants. Most were interested in long term leases. A number of realtors have expressed interest in leasing the property for the city. The property could be leased more quickly with their assistance. Rather than entering into an exclusive listing agreement staff suggests opening the property up to any realtor who can find a tenant for the building with the lease commission set at a maximum of 6% of the annual rental amount.

Council Action Requested

Authorization to lease the former Fire Station #3 property.

COUNCIL ACTION: Motion by:	Second by:	_ to:

MEETING DATE: 6/2/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
Consent	Rochester International Airport	D-3
ITEM DESCRIPTION: Bid award, acceptance of	State Aid Agreement, and Amendment to	PREPARED BY:
Engineering Agreement for boiler replacement	cement project.	Steven W. Leqve
		<u> </u>

The Rochester Airport Commission recommends and requests Council authorization to:

- 1. Award the bid to Quality Mechanical for boiler replacement at the Rochester International Airport. Bid tabs attached. Bid Amount \$369,100.
- 2. Award the bid to Veit Environmental for asbestos removal associated with boiler replacement. Bid tabs attached. Bid amount \$25,511.
- 3. Amend the current engineering agreement for boiler replacement with McGhie & Betts/HGA to reflect additional work requested by the airport. This amendment will increase the total engineering agreement from \$42,000 to \$46,500.
- 4. Accept State Aid Agreement for 60% funding for boiler replacement project.

Funding: 60% State

40% Local

This project is in the current CIP. Project #6978. Engineers estimate including engineering: \$463,322

COUNCIL ACTION REQUESTED:

- 1. Resolution authorizing the Mayor and the City Clerk to award the bid to Quality Mechanical for boiler replacement.
- 2. Resolution authorizing the Mayor and the City Clerk to award the bid to Veit Environmental for asbestos removal.
- 3. Resolution authorizing the Mayor and the City Clerk to amend the current engineering agreement with McGhie & Betts/HGA.
- 4. Resolution authorizing the Mayor and the City Clerk to execute the State Aid Agreement for 60% funding.

COUNCIL ACTION: Motion by:	Second by:	to:	
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May 22, 2003

Mr. Steve Leque Rochester International Airport Helgerson Drive SW Rochester MN 55902

Rochester Minnesota

RE: Recommendations for Award

2003 Boiler Replacement Project

Dear Steve:

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

Enclosed are letters recommending award of contracts for the 2003 boiler replacement project. The bids received were under estimates and complied with the project specifications. Recommendations are made to award a contract to the low bidder.

Also enclosed is a request from HGA, for project mechanical and electrical engineer, for additional compensation due to project scope changes. As you recall, during the preparation of plans and specifications several additional items were added to the project. Most these were bid as alternates to the boiler replacement. These are identified in the HGA letter dated May 21, 2003.

This request is to increase HGA's compensation from \$33,500 to \$38,00, an additional \$4,500. This would bring the total estimated project cost for design services to \$46,500.00 including the asbestos specifications and inspection fees. The details of the request for additional compensation are identified in the HGA letter.

Should you have any questions, please contact me.

Very truly yours,

McGhie & Betts, Inc.

David L. Morrill, PE

DLM/b

1648 Third Avenue S.E. Rochester, MN 55904

Tel. 507.289.3919 Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com

Established 1946

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REQUEST FOR	COUNCIL ACTION	MEETING
		DATE: <u>6/2/03</u>
AGENDA SECTION: Consent	ORIGINATING DEPT: Rochester International Airport	ITEM NO.
ITEM DESCRIPTION: Agreements with AGD, Inc.		PREPARED BY: Steven W. Leqve
The Rochester Airport Commission recommends and re	equests Council authorization to:	
 Enter into a lease agreement with AGD, Inc. for Airport View Drive across from the Hangar Bar property. The term of the lease agreement will be annually to the Consumer Price Index. 	& Grill. AGD, Inc. plans to construct	an office building on tha
2. Execute an ingress/egress and parking agreement from the Hangar Bar & Grill on the west side of		g to be constructed across
3. Execute a Memorandum of Ground Lease with a the Hangar Bar & Grill on the west side of Airpo	_	constructed across from
4. Enter into a two year option agreement with AG side of Airport View Drive across from the curre plans to construct an office building on that prop	ent office building that was constructed	
COUNCIL ACTION REQUESTED:		
Resolution authorizing the Mayor, the City Clerk and th AGD, Inc.	e Rochester Airport Company to execu	ite the agreements with
Note: Lease Rate 109 annually by CPI. Capitalum prove ments	per square Sout, add Plus 64 per square s Son 10 years.	justel Soot For
COUNCIL ACTION: Motion by: Second	1 by: to:	

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MEETING

<u>REQUEST FOR</u>	COUNCIL ACTION	MEETING
		DATE: <u>6/2/03</u>
AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
Consent Agenda	City Clerk	
	City Clork	0-5
ITEM DESCRIPTION: Adopt Revised Records Retention	on Schedule	PREPARED BY:
Transperson Records Records Records	on Benedule	Judy Scherr
		Judy Bellett
The Minnesota Clerks and Finance Officers	Association has amended the cu	irrent State General
Records Retention Schedule to include revis	ions to the areas of Human Reso	ources Elections and
Police records. The City needs to adopt the		
l and records. The only needs to ddopt the	current version of the senedule.	
COUNCIL ACTION REQUESTED		
A motion to adopt the March 2003 revised G	eneral Decords Detention Sche	dula for Minnocoto
Cities.	cheral Records Retention Sched	dule for Minnesota
<u>Cittes.</u>		
	•	
•		
COUNCIL ACTION: Motion by:	accord by:	
Signal And Francisco Brown Signal Sig	scond by to:	



MEETING DATE: 6/2/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	TEM NO.
ITEM DESCRIPTION: LICENSES, BONDS & MISCELLA	ANEOUS ACTIVITIES	PREPARED BY: DONNA J SCHOTT

The following licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

CIRCUS

Carson & Barnes Circus PO Box J Hugo, OK 74743 Circus 6/6/03 & 6/7/03 Olmsted County Fairgrounds

DANCE – TEMPORARY

Rochester Area Family YMCA 709 1st Ave SW Rochester. Mn 55902 "School Out" Middle School Dance 6/13/03 7:00 PM to 9:00 PM YMCA Parking Lot

FIREWORKS SALES

Kwik Trip Inc. 1626 Oak St

Lacrosse, Wi 54603

FIREWORKS AT:

2335 26th St NE

1941 S Bdwy

1350 Salem Rd SW

1221 Marion Rd SE

315 12th St SE

4120 Hwy 52 North

3490 55th St NW

3531 9th St NW

3111 Wellner Dr NE

Rochester, Mn.

COUNCIL ACTION: Motion by:	Second by:	_ to:



LICENSES, BONDS AND MISCELLANEOUS CITY ACTIVITIES PAGE 2 JUNE 2, 2003

Parts Express
Bruce Thomas
25 9 ½ St SE
Rochester, Mn. 55904

Speedway Super America LLC PO Box 1580 Springfield Oh 45501

FIREWORKS SALES AT:

701 North Broadway 400 4th St SE 1520 2nd St SW 601 11th Ave NW 919 37th St NW 2025 South Broadway 5600 Hwy 52 North

Rochester, Mn.

Sam's Club 3410 55th St NW Rochester, Mn. 55901

Cub Foods 1021 15th Ave SE Rochester, Mn. 55904

TNT Fireworks
4511 Helton Dr
Florence Al 35630
Fireworks At Shopko
2820 Hwy 63 South
Rochester, Mn. 55904

BJ Allen Company 555 Martin Luther King Jr Blvd Youngstown, OH 44502

Tent Fireworks Sales At:

Braaten's Car Lot 900 South Bdwy Expressway Convenience Store 451 16th Ave NW Expressway Convenience Store 1509 Greenview Dr SW

Shopko North 3708 Hwy 63 North Rochester, Mn. 55906

LICENSES, BONDS AND MISCELLANEOUS CITY ACTIVITIES PAGE 3 JUNE 2, 2003



GAMBLING – TEMPORARY

Senior Citizens Services Inc. 121 North Broadway Rochester, Mn. 55906 Raffle 9/9/03 AT Mayo Civic Center 30 Civic Center Dr SE

MASTER INSTALLER

Brian Biwer 1155 West Ave Zumbrota, Mn. 55992

OUTDOOR DINING

Wong's Café 4 – 3rd St SW Rochester, Mn. 55902

SIDEWALKS - CEMENT

Wilson Construction 360 Arglen Dr Owatonna, Mn. 55060

Majerus Outdoor Services 8250 Co Rd 19 SE Rochester, Mn. 55904

Presnall Concrete 17143 Co Rd #110 SE Chatfield, Mn. 55923

SEWER & DRAINS

Rochester Sewer & Water LLC 3775 Willow Ridge Dr SW Rochester, Mn.55902

SOUND AMPLIFICATION

First Baptist Church
415 16th St SW
Rochester, Mn. 55902
Summer Kick Off Outdoor Concert 5/29/03 6:00 PM to 7:30 PM
(Prior Approvals: Nowicki, Hanson, McConnell, Means)

Bon's Buffet, Inc 1652 Hwy 52 North Rochester, Mn. 55901 Outdoor Party with Band 7/5/03 4:00 PM to 1:00 AM (Please Waive 11:00 PM Time Period)



LICENSES, BONDS AND MISCELLANEOUS CITY ACTIVITIES PAGE 4 JUNE 2, 2003

Rookies Sports Grille & Bar 1517 16th St SW Rochester, Mn, 55902 Outdoor Benefit for Cancer Research 6/7/03 12:00 Noon to 11:00 PM All Proceeds to go to Eagles Cancer Telethon

Rochester Area Family YMCA
709 1st Ave SW
Rochester., Mn 55902
"School Out" Middle School Dance 6/13/03 7:00 PM to 9:00 PM
YMCA Parking Lot

The Salvation Army
20 1st Ave NE
Rochester, Mn. 55906
Outdoor Concert for the Community 6/29/03 4:30 PM to 7:30 PM

MISCELLANEOUS CITY ACTIVITIES PERMIT

Rochester Jaycees
4th of July Kiddies Parade 7/4/03 11:00 Am to 11:30 AM
Central Park to Soldiers Field Memorial

Misty Fabienne 1629 19th St NE Rochester, Mn, 55906 Block Party – Picnic 6/29/03 End of Cul-De-Sac on 19th St NE

COUNCIL ACTION REQUESTED

A motion to approve the above licenses, bonds and miscellaneous city activities.

MEETING DATE: 6/2/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	CITY CLERK	D - 6
ITEM DESCRIPTION: LICENSES, BONDS & MISCE ADDENDUM	LLANEOUS ACTIVITIES	PREPARED BY: DONNA J SCHOTT

The following **ADDENDUM** licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

FIREWORKS DISPLAY

Rochester Post Bulletin Charities
18 1st Ave SE
Rochester, Mn, 55904
Fireworks Display 7/4/03 (Rain Date 7/5/03)
Silver Lake Park Dredge Pit

FIREWORKS SALES

Wal-Mart North 3400 55th St NW Rochester, Mn. 55901

Corey Anderson 2012 9th Ave SE Rochester. Mn. 55904 Tent at Apache Mall

GAMBLING - TEMPORARY

Rochester Area Chamber of Commerce 220 South Broadway Rochester, Mn. 55904 Raffle 7/30/03 AT: Willow Creek Golf Course 1700 48th St SW

COUNCIL ACTION: Motion by:	Second by:	to:

LICENSES, BONDS AND MISCELLANEOUS CITY ACTIVITIES PAGE 2
JUNE 2, 2003

SOUND AMPLIFICATION

Hangar Bar & Grill
7386 Airport View Dr SW
Rochester, Mn, 55902
Outdoor Band 6/14/03 and 7/19/03 9:00 PM to 12:30 PM
(PLEASE WAIVE 11:00 PM TIME PERIOD)

COUNCIL ACTION REQUESTED

A motion to approve the above ADDENDUM licenses, bonds and miscellaneous city activities.

MEETING

DATE: <u>6/2/03</u>

AGENDA SECTION: CONSENT AGENI	DA .	ORIGINATING DEPT: CITY CLERK	TEM NO.
ITEM DESCRIPTION:	ON SALE 3.2% MALT I	LIQUOR & WINE LICENSE	PREPARED BY:
	FOR "SANUS" BOSNIA	AN CAFÉ AND GRILL	DONNA J SCHOTT

Application has been received from Smajil Dedic for an On Sale 3.2% Malt Liquor and Wine License for "SANUS" Bosnian Café and Grill to be located at 2550 South Broadway, Rochester, Mn, 55904.

Approval of the license would be pending the required fees, insurance certificates and all departmental Approvals. A confidential investigative report has beem returned satisfactorily. Opening of the new restaurant is scheduled for the middle or end of June.

COUNCIL ACTION REQUESTED

A motion to approve the On Sale 3.2% Malt Liquor and Wine License for "SANUS" Bosnian Café and Grill located at 2550 South Broadway.

COUNCIL ACTION: Motion by:	Second by:	to:	



MEETING

DATE: <u>06/02/03</u>

AGENDA SECTION:	ORIGINATING DEF	PT: ITEM NO.
Consent Agenda	Finance Departme	
ITEM DESCRIPTION: Approval of Account	s Pavable	PREPARED BY:
Tippieval of riccount	5 1 a) a010	Dale Martinson
Respectfully request a motion	to approve the following cash	dishursements:
Traspersially request a metron	to approve the following easing	distance in the second
Investment purchases of	\$9,497,028.05	
Accounts payable of	\$4,704,298.75	
Total disbursements	\$14,201,326.80	
	, ,	
·		
(Detailed listing of disbursem	ents submitted separately.)	
COUNCIL ACTION: Motion by:	Second by:	to:



MEETING
DATE: 6/2/03

21

		DATE. <u>0/2/03</u>
AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
Consent Agenda	Fire	D-9
ITEM DESCRIPTION: Change Order # 4- Fire Station 3		PREPARED BY: Jeff Leland
		1
These items are requested as changes to the original	al contract for Fire Station 3 construc	etion
 Install laminate desk & shelves in police office (pland) Install bulletin boards, dry erase boards & cut count Install & paint exhaust fan stand on roof for vehicle Re-clad aluminum entry door to color match appara Install sheet metal covers to protect floor heat manif Provide electric controls to interconnect rear garage 	er top grommetsexhaust systemtus bay doorstus bay doorstus bay doors	\$ 199 \$ 571 \$ 495)\$ 250
Total Change Order Request # 3	\$	3,204.00
The new construction contract including this change	ge order will be \$1,681,128.00	
COUNCIL ACTION REQUESTED		
Approval of the above listed changes to the Fire St	ation 3 contract.	
COUNCIL ACTION: Motion by: Second	d by: to:	·



MEETING 2 DATE: 06-02-03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: PLANNING	ITEM NO.
ITEM DESCRIPTION: Annexation Petition #03-17 by Graha annex approximately 90 acres of land within the Marion Agreement.		PREPARED BY: Theresa Fogarty, Planner

May 29, 2003

Planning Department Recommendation:

See attached staff report, dated May 29, 2003.

As part of the Orderly Annexation Agreement, property taxes payable on annexed land shall continue to be paid to the Town of Marion for the entire year in which the annexation becomes effective. If the annexation becomes effective on or before August 1 of a levy year, based on the date specified in the order from the Minnesota Municipal Board, the City may levy on the annexed areas beginning with that levy year. If the annexation becomes effective after August 1 of a levy year, the Town may continue to levy on the annexed area for that levy year. Thereafter property taxes on the annexed land shall be paid to the City.

Council Action Needed:

- If the Council wishes to proceed as petitioned, it should instruct the City Attorney to prepare an resolution to be adopted and transmitted to the MN Planning /Office of Strategic and Long Range Planning.
- 2. The signed resolution and a copy of the Joint Resolution for Orderly Annexation (Marion Area #2) should be transmitted to the MN Planning / Office of Strategic and Long Range Planning by the City Clerk (attached is a filing fee for the application in the amount of \$180). The resolution and a copy of the Joint Resolution shall also be sent to the Town of Marion and the Olmsted County Auditor/Treasurer.

Attachments

1. Staff report, dated May 29, 2003.

Distribution:

- City Administrator
- 2. City Clerk
- 3. City Attorney: Legal Description Attached
- 4. City Finance Director: Tax Information Attached
- 5. Planning Department File
- 6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, June 2, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.

COUNCIL ACTION: Motion by:	Second by:	to:	



ESRI ArcExplorer 2.0 Map Title april2003cityaddresses theme92003febparcels Eastwood RASE

Tuesday, May 13 2003





ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 CAMPUS DR SE

ROCHESTER MN 55904-4744

ADMINISTRATION/

507/285-8232

PLANNING

507/285-8232

GIS/ADDRESSING/ MAPPING

HOUSING/HRA

507/285-8224

507/285-8213 Orderly Annexation Petition #03-17 by Graham Properties, Ltd. 507/285-8345

Partnership to annex approximately 90 acres of land within the Marion 507/287-2275

Township Orderly Annexation.

Rochester Common Council

Planning Department Review:

FROM: Theresa Fogarty, Planner

May 29, 2003

Applicants/Owners:

Graham Properties, Ltd. Partnership

Fred Schmidt

3200 SE 60th Avenue Rochester, MN 55904

Location of Property:

The property is located south of Eastwood Road SE, west of Knollwood Drive SE, south of Oak Terrace Manufactured Home Park and east of Grandview Memorial Gardens

cemetery,

Existing Land Use:

This property is currently undeveloped land.

Size:

TO:

DATE:

RE:

The property proposed for annexation is approximately

90 acres.

Existing Zoning:

The City has extraterritorial zoning control over this property.

The property is zoned "Interim".

Future Zoning:

Upon annexation, the property will be zoned I (Interim) district on the Rochester zoning map. The applicant will need to file a zone change on this property prior to development of this

property.

Land Use Plan:

This property is designated for "low density residential" uses

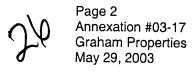
on the Rochester Urban Service Area Land Use Plan.

Adjacency to the Municipal

Limits:

The property is adjacent to the city limits along its northern, western, southern and eastern boundaries. The area proposed for annexation is allowed, according to the Joint Resolution for Orderly Annexation between the City of Rochester and the Townboard of Marion, Item #7, Paragraph (b) a landowner abuts the City limits and said landowner files a petition for annexation with the City. In such instance, review by the Rochester Planning and Zoning Commission shall not be required prior to the City acting upon said petition.





Sewer and Water:

Municipal sewer and water are not currently available, but can

be extended to serve this property.

The property is within the Southeast High Level Water System

Area.

Utilities:

Pursuant to Minnesota Statutes 414.033 (subd.13), a municipality must notify a petitioner that the cost of electric utility service may change if the land is annexed to the municipality. A notice has been provided to the applicant.

Townboard Review:

Townboard review is not required for this annexation.

Report Attachments:

1. Location / Annexation Map

Staff Recommendation:

Section 7, Paragraph (b) of the Joint Resolution for Orderly Annexation (Marion Area #2) between the City of Rochester and Townboard of Marion allows any lands contained in the orderly annexation area may be annexed to the City upon adoption of a resolution when said landowner files a petition for annexation with the City. In such instance, review by the Rochester Planning and Zoning Commission shall not be required prior to the City acting upon said petition.

Staff recommends that the City adopt a resolution annexing the property.

MEETING

DATE: 6-2-03

21

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	PLANNING	D-11
ITEM DESCRIPTION: Decision on the need for an Enviro	PREPARED BY:	
Prairie Crossing development.		Mitzi A. Baker,
		Senior Planner

May 28, 2003

An EAW was prepared for the Prairie Crossing development in April 2003 to determine the potential environmental effects of a low density residential development that will convert more than 80 acres of undeveloped land to a more intense use and include approximately 372 dwelling units.

The 30 day comment period on the EAW expired on May 14, 2003. Attached are the comments received.

Minnesota Rules require that a decision on this matter must be made by the RGU (Common Council) no later than 30 days after May 14, 2003 (end of comment period).

Council Action Needed:

Adoption of a resolution setting forth the City's declaration on the EAW adequacy. The resolution should include specific findings. This resolution will be transmitted by the Planning Department to the Environmental Quality Board.

Attachments:

1. Copy of May 28, 2003 memo from Planning Staff which includes a copy of the Prairie Crossing EAW and comment letters received.

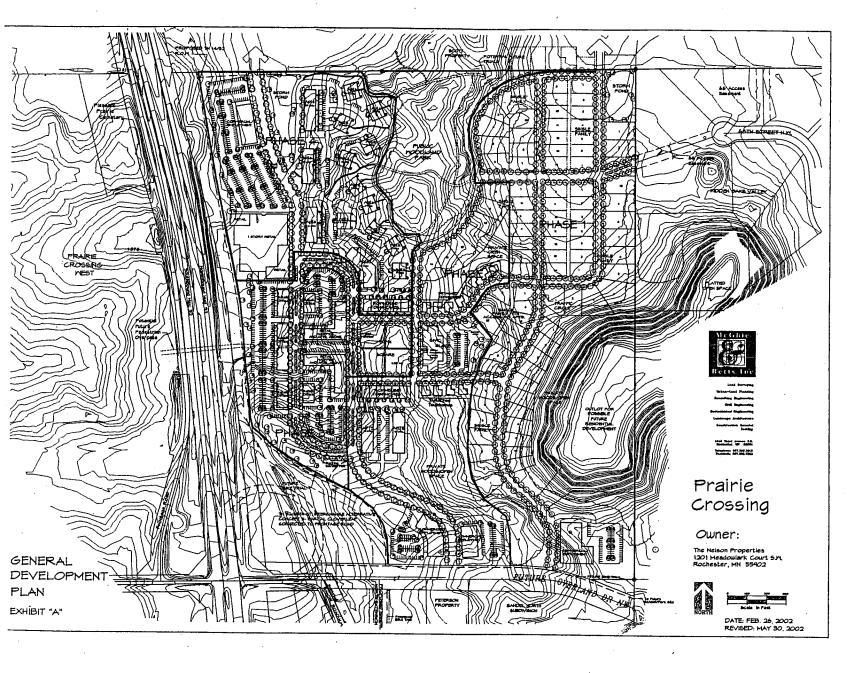
Distribution:

- City Clerk
- 2. City Administrator

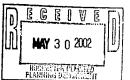
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- 3. City Attorney
- 4. Planning Department File
- 5. Applicant: This item will be considered some time after 7:00 p.m. on June 2, 2003 in the Council/Board Chambers at the Rochester-Olmsted Government Center Building
- 6. McGhie & Betts, Inc.





REVISED









ROCHESTER-OLMSTED PLANNING DEPARTMENT 2122 CAMPUS DR SE

ROCHESTER MN 55904-4744

ADMINISTRATION/

507/285-8232

PLANNING

507/285-8232

GIS/ADDRESSING/ **MAPPING**

HOUSING/HRA **BUILDING CODE** 507/285-8224 507/285-8213

WELL/SEPTIC

507/285-8345

FAX

507/287-2275

FROM: DATE:

TO:

RE:

May 28, 2003

Rochester Common Council

Mitzi A. Baker, Senior Planner

Environmental Assessment Worksheet (EAW) for Prairie Crossing

Background:

The 1973 Minnesota Environmental Policy Act, administered statewide through the Environmental Quality Board, is the basis for the present Environmental Review Program of the State of Minnesota. Minnesota Rules 4410.0200 - .7900 were promulgated to administer the mandates of the Policy Act, spell out the specific environmental review procedures, and define when and how they must be employed. The intent of the environmental review program is identify early the potential impacts of a project and provide time for the decision makers to require that mitigative measures are incorporated into the project design before local permits are granted.

The first level of environmental review under the program is known as an Environmental Assessment Worksheet or "EAW". The specific content, environmental scope, and procedures for an EAW are specified in Minnesota Rules. The rules mandate what type of projects must go through the EAW process and who will act as the responsible unit of government to determine if additional environmental review is necessary in the form of a much more detailed Environmental Impact Statement or "EIS".

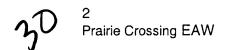
The Prairie Crossing development project exceeds a mandatory EAW category in that it will eventually result in the permanent conversion of 80 or more acres of agricultural land to a more intensive use and for the potential number of housing units (Minnesota Rules 4410.4300 Subpart #36, and also #19, Residential Development, Part B).

The rules assign the responsibility for the EAW preparation and determination of adequacy to the local unit of government which is charged with the responsibility to approve or deny permits for the project to proceed. In this case, the local responsible governmental unit would be the Rochester Common Council.

EAW Process:

The Environmental Assessment Worksheet for Prairie Crossing was transmitted to the Environmental Quality Board on April 1, 2003. The Planning Department notified and provided a copy of the EAW to the various state and federal agencies prescribed by Minnesota Rules. Copies of the EAW were made available to the City Clerk, County Administrator, and Public





Library for public display, as well as a copy at the Planning Department. A press release was made to the Rochester Post Bulletin, which explained the procedures for submitting comments.

On April 14, 2003, the notice of availability was published in the <u>EQB</u> Monitor. The 30 day comment period expired on May 14, 2003. The following comments were received regarding this EAW:

- 1. Minnesota Department of Natural Resources (see attached)
- 2. Minnesota Department of Transportation (see attached)

Rochester's Responsibilities in the Process:

Under Minnesota Rules the City of Rochester is the responsible governmental unit (RGU) to determine the need for further environmental review of a project by preparation of an Environmental Impact Statement (EIS). The decision facing the City is whether a project has the potential for significant environmental effects and compare the impacts that may be expected to occur from the project with four criteria outlined in the rules (and listed below).

This report could act as a record of the findings made by the City and a basis for the decision that is made. The City must make either a negative or a positive declaration. If a negative declaration is made on the need for an EIS, then the City must notify all persons or agencies that originally received copies of the EAW. The Environmental Quality Board shall publish the decision in the EQB Monitor.

If a positive declaration is made, meaning an EIS must be prepared, then it should include the scope of what specific issues must be addressed in the Environmental Impact Statement. A positive declaration should include the time, date and location of the public meeting to discuss the scope of the EIS.

Response to Comments:

Under the environmental review process, the RGU's record must provide written response to substantive comments received during the EAW comment period. In this instance we received written comments from those agencies and individuals listed above.

The comments received generally related to:

- 1. Cumulative Effects of Development
- 2. Timber Rattlesnakes
- 3. Consistency with MnDOT Right-of-Way plats & Traffic Improvements

Cumulative effects of development are expected to impact natural environments as the City expands. This development proposal does include preserving a large mature oak stand as well as other open space/wooded areas. The consultant has been informed that Timber Rattlesnakes (Threatened Species) may be present on the site. The contractor will be informed at a pre-construction meeting that these snakes may be present and that the MN DNR should be contacted if sited during construction. If these snakes are observed, they should be captured and relocated.

MnDOT identified concerns with the General Development Plan (GDP) layout being inconsistent with right-of-way (ROW) plats in this immediate area.

The GDP for this property was approved prior to adoption of MnDOT ROW plats in this vicinity and staff was informed of the inconsistency after City approvals of the GDP. At the time the property adjacent to TH 52 is platted, the Plats will need to reflect current MnDOT ROW plats.

31

Additionally, MnDOT expressed concern regarding the lack of capacity at the 55th St. interchange to operate with this development. The GDP for this property was approved with the acknowledgment that the entire site could not be built out prior to infrastructure improvements, due to limited capacity at the 55th Street/TH 52 interchange. The GDP approval was subject to several conditions/ modification including the following: "Phasing development of this property shall be required to provide concurrence with infrastructure improvements".

Criteria for Determining Significant Environmental Effects:

In deciding whether a project has the potential for significant environmental effects, the City must consider the following factors as outlined in Minnesota Rules 4410.1700 subp. 7:

- A. Type, extent, and reversibility of environmental effects;
- B. Cumulative potential effects of related or anticipated future projects;
- C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
- D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EIS's.

Findings:

The Planning Staff recommends that based on the following findings that the City make a negative declaration on the need for an EIS for Prairie Crossing and that the project does not have the potential for significant environmental effects:

- 1. The anticipated environmental effects of this project are found to be similar to those experienced with other development in the City of Rochester. There are a number of policies and plans adopted by the City of Rochester that require detailed local review of traffic, storm water management and water quality, wetland and other issues when a development is proposed. In addition, the Rochester Zoning Ordinance and Land Development Manual includes regulations for minimum open space, setbacks and buffers, maximum noise and lighting, as well as floor area ratio. This Development does incorporate preservation of wooded areas, including a large tract of mature oaks.
- 2. The anticipated cumulative loss of agricultural lands within the urban service area of the City of Rochester (where sewer and water service is available) to urban land uses is an anticipated effect of the orderly growth of the City. Land use policies direct development to growth centers such as Rochester to reduce the pressure on agricultural lands in the outlying area to be converted to residential uses. The more efficient use of land for residential purposes where increased densities can be realized because of sewer and water availability is expected to help conserve truly prime agricultural areas.
- 3. Water quality of surface waters from runoff or waste waters from the site should not be significantly degraded because of this project. Erosion and water quality of runoff will be controlled by the installation of temporary and/or permanent stormwater detention ponds. The Rochester Zoning Ordinance and Land Development Manual provides for an ongoing regulatory authority of the City over erosion control practices. Wastewater from this project will be treated at the City of Rochester Wastewater Treatment Plant, which is capable of accepting the estimated amounts of wastewater generated by this project.

- 4. Dust and noise which will be generated because of the construction of this project will be no more than typical for other residential or commercial development. The City of Rochester has a noise ordinance, which will protect nearby residents from unreasonable noise from 10:00 p.m. to 7:00 a.m. Methods for controlling dust will need to be implemented by the developer. Detailed grading and drainage plans will need to be approved by the City prior to construction and will need to incorporate erosion control measures.
- 5. This property is within the City of Rochester Urban Service Area according to the Olmsted County Land Use Plan. Cumulative effects of development within the Urban Service Area will include the loss of prime farmland and wildlife habitat. The loss of terrestrial habitat and prime farmland caused by this development should actually help the efforts to retain more significant habitats and farmlands in less developed areas of the County by removing residential pressures and concentrating them in planned areas where the density of development creates a more efficient use of land.

ATTACHMENTS:

- 1. Prairie Crossing EAW
- 2. Letter from MN DOT
- 3. Letter from Minnesota Department of Natural Resources



Minnesota Department of Natural Resources

261 Highway 15 South New Ulm, MN 56073

Ms. Mitzi Baker, City Planner City of Rochester 2122 Campus Drive Rochester, MN 55904

RE: Prairie Crossing EAW

Dear Ms. Baker:

The Minnesota Department of Natural Resources has reviewed the Environmental Assessment Worksheet referenced above, and we have the following comments.

Localized impacts of residential development projects may include alteration or elimination of natural vegetation, impacts to rare (e.g., threatened or endangered) or important species, and disruption of wetland functions. Greater impacts to the natural and human environment come from the cumulative effects of these projects when combined with the effects of similar projects within the county or multi-county area.

Within the scope of this individual project, we do not anticipate significant impacts on natural vegetation or threatened or endangered species; however, this phased development, combined with other developments in this vicinity could result in the cumulative degradation of local wildlife habitats, water resources, and air quality. The conservation of green space in this project is appreciated – particularly in your efforts to preserve old growth oak stands.

Various sections of the EAW include discussion about retention ponds that will be incorporated into the surface water management strategy. Wildlife habitat can be gained from stormwater ponds if constructed to include features recommended in the DNR brochure, Excavated Ponds for Wildlife, available on-line at www.dnr.state.mn.us/excavatedponds/index/html. Care should be taken to avoid the creation of retention ponds attractive to large numbers of geese that can become a nuisance. Timber rattlesnakes observed in the area should be captured and relocated. Please have the developer notify the Minnesota DNR if any rattlesnakes are found during construction.

Thank you for the opportunity to review the Environmental Assessment Worksheet. If you have any questions about this project, please contact staff ecologist Shannon Fisher at 507-359-6073.

Sincerely,

Cheryl Heide Regional Director

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929



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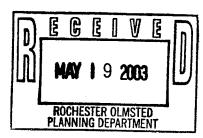
Minnesota Department of Transportation

Minnesota Department of Transportation - District 6
Mail Stop 060
2900 48th Street N.W.

Rochester, MN 55901-5848

May 14, 2003

Mitzi A. Baker, Senior Planner Rochester Olmsted Planning Department 2122 Campus Drive SE Rochester, MN 55904



Office Tel: 507-280-2913

E-mail: dale.maul@dot.state.mn.us

Fax: 507-285-7355

Re: Environmental Assessment Worksheet for the Prairie Crossing Development 126.7 acre mixed use proposal located north of 65th Street NE and west of US Highway 52

Dear Ms. Baker:

Thank you for the opportunity to review the Environmental Assessment Worksheet for Prairie Crossing Development. Please review the following comments and requests:

- This proposal does not reflect Mn/DOT's right-of-way plats No. 55-63 and 55-65. The Prairie Crossing Development has development proposals within Mn/DOT's right-of-way and is not acceptable with Mn/DOT. (See attachments)
- Even with proposed improvements to the local street system, the US Highway 52 interchange at 55th Street does not have the capacity to operate with this development. Since Mn/DOT has no plans to build an interchange at 65th Street, the City of Rochester will need to consider the consequences to the public of allowing this growth to occur.
- Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification where the establishment of the land use would result in violations of established noise standards. Mn/DOT policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The project manager should assess the noise situation and take the action deemed necessary to minimize the impact of any highway noise.

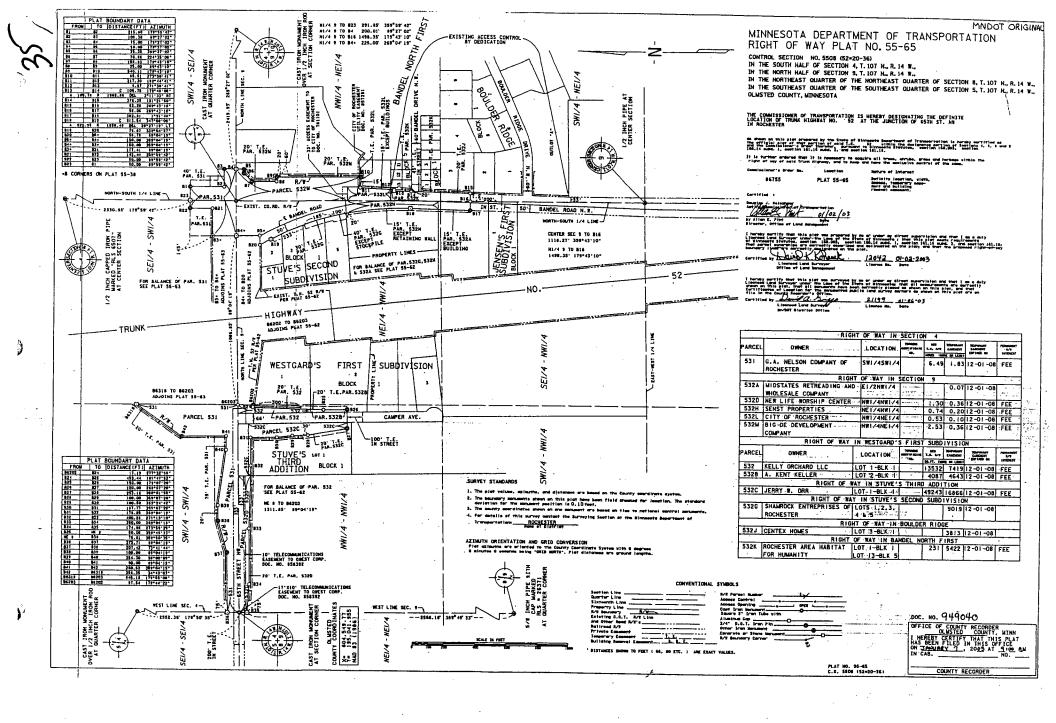
Please direct any questions you may have to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

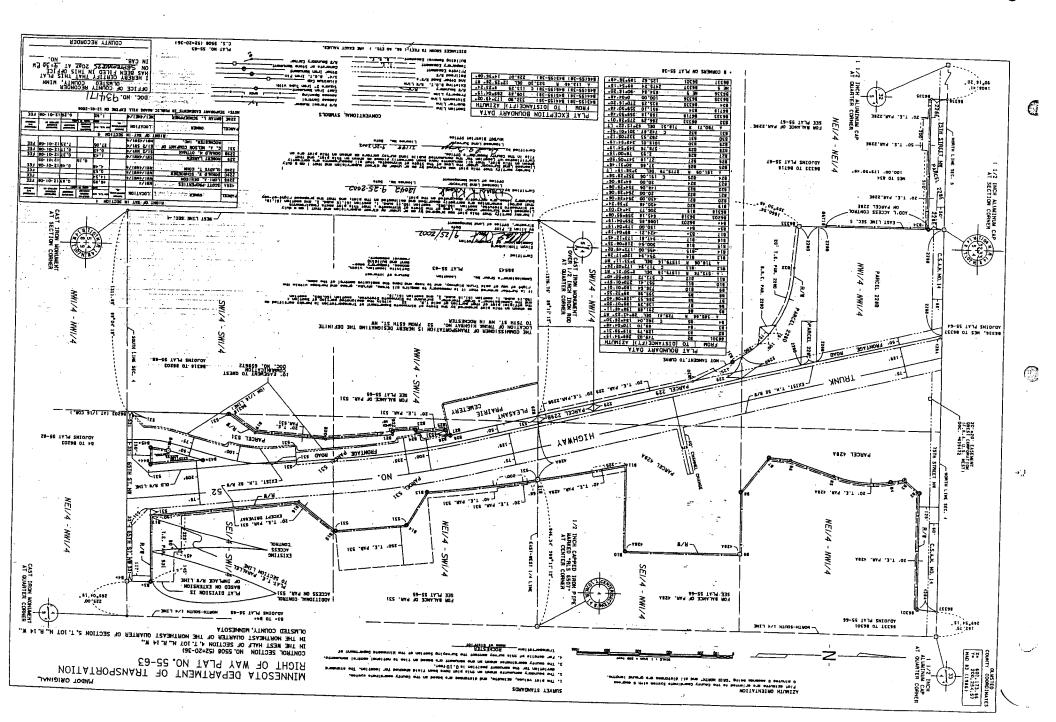
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Sincerely,

Dale E. Maul Planning Director

Attachments





MEETING

DATE: <u>6</u>/2/03 ITEM NO. ORIGINATING DEPT: **AGENDA SECTION:** Police Consent Agenda ITEM DESCRIPTION: OLMSTED COUNTY HOUSING AND REDEVELOPMENT AUTHORITY PREPARED BY: **REQUEST FOR PATROL SERVICES** Roger Peterson The Olmsted County Housing and Redevelopment Authority (OCHRA) Board has approved spending \$4,000 from their operating budget to pay for extra patrol services. These services are being requested in the SE neighborhoods of Homestead Terrace and Homestead Green during the summer months. OCHRA will be requesting beat incident information and crime statistics to determine if OCHRA's goals are met. **COUNCIL ACTION REQUESTED:** Approval for the City of Rochester to enter into an agreement to accept financial reimbursement up to \$4,000 for overtime hours generated by Rochester Police Department officers. These additional hours would be for extra patrol in SE neighborhoods. **COUNCIL ACTION:** Motion by: ____ Second by:____





Housing & Redevelopment Authority

RENTAL ASSISTANCE . REHABILITATION . HOME OWNERSHIP

May 16, 2003

Bruce Sherden
Rochester Police Department
101 4th Street SE
Rochester MN 55904

Dear Bruce:

This letter will provide an understanding of the relationship between the Olmsted County Housing and Redevelopment Authority (OCHRA) and the Rochester Police Department.

The OCHRA Board approved, at their May 12, 2003 Board meeting, the allegation of \$4,000 from their operating budget toward overtime costs to provide extra patrol services in the SE neighborhood at Homestead Terrace and Homestead Green during the summer months. Any remaining funding to be used during the fall months. If the Rochester Police Department has difficulty filling the overtime within the department efforts can be made to use the Sheriff's Department or other law enforcement officials. The OCHRA and the Rochester Police Department will invoice the OCHRA directly for the cost of these services when convenient. I am hopeful that we can receive an invoice at least quarterly.

The OCHRA will be requesting beat incident information and statistics on Part I and Part II crimes to determine if the OCHRA's goals are met. The OCHRA will make aware to the Rochester Police Department problem tenants in order that these tenants can be more closely monitored during this time period.

On behalf of the OCHRA, I would like to extend a huge "thank you" for all your work in expediting this arrangement and look forward to a successful project.

If you have any questions, please contact me at 529-4547.

Sincerely,

Ronnelle Jaeger

Rental Assistance Coordinator

Cc: Gary Lueders, Housing Administrator

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MEETING

DATE:

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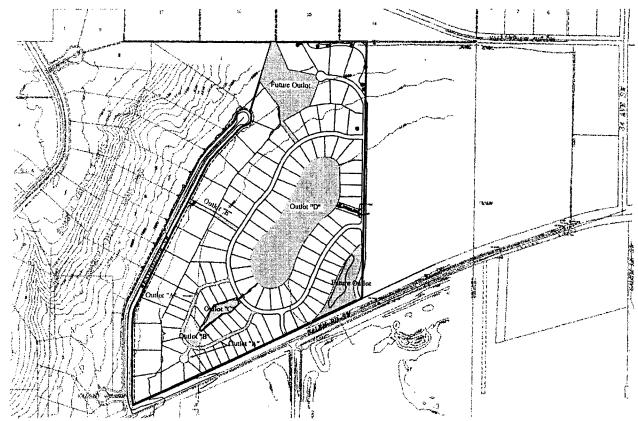
06/02/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO.
ITEM DESCRIPTION: Development Agreement – Bamber Valley Estates		PREPARED BY: M. Nigbur

The Owners of the Bamber Valley Estates Development and the City Staff have had discussions relating to impacts on the public infrastructure resulting from the development of the Property. Based on the discussions, the content for a development agreement has been decided and a document has been created. The major items covered in the agreement include the following:

- Storm Water Management.
- Traffic Improvements: roadway connections, right of way dedication, controlled access dedication, pedestrian facilities, traffic control signs, and turn lane construction.
- Owner's payment of the development related charges including Storm Water Management, Sanitary Sewer Availability, Water Availability, Watermain extension and Transportation Improvement District charges.
- Owner's dedication of Parkland

Staff recommends the Council approve the Development Agreement. The developers have executed the agreement.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Bamber Valley Estates Agreement with RC Properties Inc.

COUNCIL ACTION: Motion by:	Second by: to:
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MEETING

DATE:

06/02/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Public Works	D-19

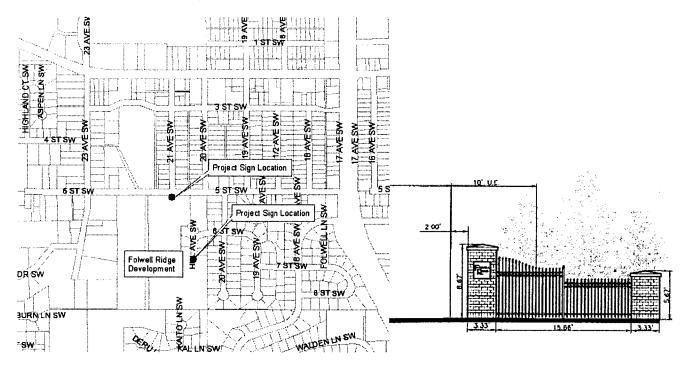
ITEM DESCRIPTION: Revocable Permit: Folwell Ridge Project Entrance Signage

PREPARED BY:

M. Nigbur

Platinum Development Group has requested a Revocable Permit for the placement of Project Development Signage within the public utility easement abutting both 21st Avenue and Hill Avenue. The Owner and staff have had discussions on the proper location of these types of signs and have reached an agreement on where these signs should be placed. The signs located on both sides of the roadway and will be placed 2 feet outside of the right of way but within the utility easement.

Staff has reviewed the request and would recommend in favor of granting a Revocable Permit. The owners have executed a Revocable Permit which includes the standard language for revocation and liability protection for the City.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the revocable permit with Platinum Development Group to allow the placement of a project signage within the public utility easement along 21st Avenue and Hill Avenue.

COUNCIL ACTION: Motion by:	Second by:	to:	



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MEETING

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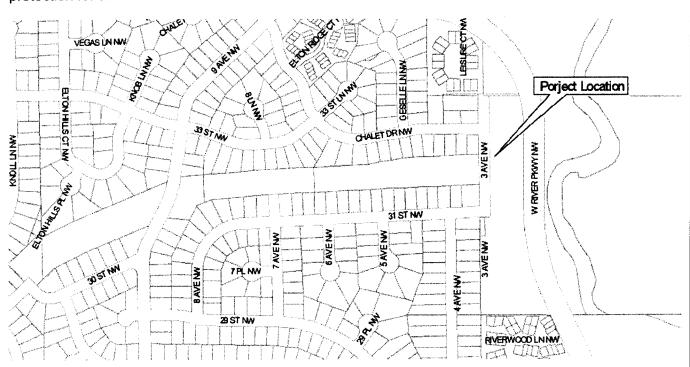
DATE:

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	D-15
ITEM DESCRIPTION:	Engineering Services to Evaluate the Flooding of the Drainage Way between Chalet Drive and 31 st Street NW near 3 rd Ave. NW Project J 4014		PREPARED BY: J. Wellner

Residents have reported significant localized flooding associated with the drainage way that flows from west to east and lies between Chalet Drive and 31st Street NW. Comments have been particularly directed to the area near 3rd Avenue NW. Preliminary hydraulic analysis supports the reported deficiency of the drainage way culverts at 3rd Avenue NW and at West River Parkway. Based on these preliminary findings, it appears that at least 2 residences are not protected from flooding. Flooding could occur more frequently than once each 10 years.

A detailed hydraulic analysis of the drainage way and the associated culverts is needed. From the results of the analysis, alternative measures will be evaluated that will provide a reasonable level of protection. The protection goal will be 100-year flood protection.

City staff does not have the resources to conduct the analysis required for this evaluation. Therefore proposals were requested from engineering firms specializing in hydraulic analysis. Based on the cost proposals received, staff recommends that the City enter into a contract with Polaris Group in the amount of \$16,400 for the detailed hydraulic analysis and evaluation of alternative to provide flood protection for the residential area near 3rd Avenue NW.



COUNCIL ACTION REQUESTED:

Adopt a resolution authorizing the Mayor and City Clerk to execute an engineering service agreement with Polaris Group for the hydraulic analysis and evaluation of alternatives for the drainage way between 31st Street and Chalet Drive NW.

COUNCIL ACTION: Motion by:	Second by:	to:



MEETING

DATE:

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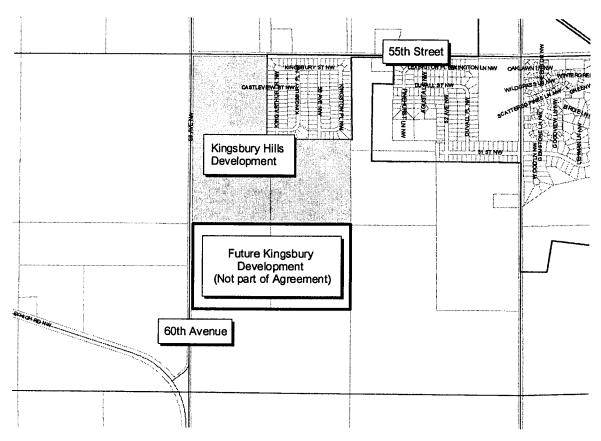
06/02/03

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	ITEM NO.
ITEM DESCRIPTION:	Development Agreement- Kingsb	oury Hills Suppplement # 2	PREPARED BY: M. Nigbur MA

The Owners of the Kingsbury Hills Development and the City Staff have had discussions relating to amending the existing Development Agreement. The purpose of the amendment includes:

- Defining additional 60th Avenue right of way obligations for the Owner, the methods of acquisition, and maintenance of the area until right of way is needed.
- Extension of public utilities and warranty of the facilities from the Wedgewood Hills subdivision to connect the Kingsbury Development for use as a local street detour in 2004 during the reconstruction of 55th Street.

Staff recommends the Council approve the Development Agreement Supplement. The developers have executed the agreement.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Kingsbury Hills Development Agreement Supplement #2.

COUNCIL ACTION: Motion by:	Second by:	to:



MEETING

47/

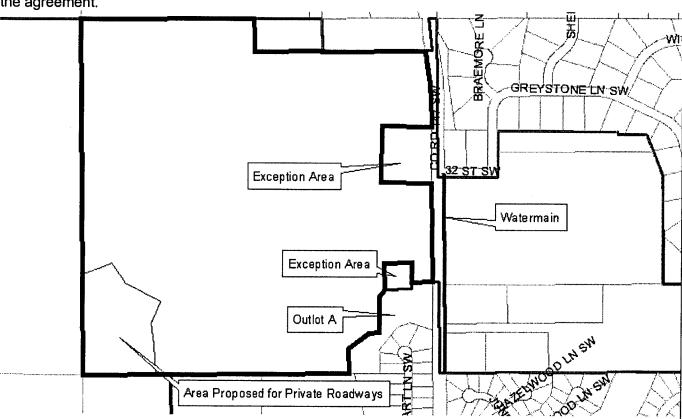
DATE:

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	D-17
ITEM DESCRIPTION: Development Agreement– Field Stone Development		PREPARED BY: M. Nigbur	

The Owners of the Fieldstone Development and the City Staff have had discussions relating to impacts on the public infrastructure resulting from the development of the Property. Based on the discussions, the content for a development agreement has been decided and a document has been created. The major items covered in the agreement include the following:

- Storm Water Mangement
- Traffic Improvements: roadway connections, right of way dedication, controlled access dedication, pedestrian facilities, traffic control signs, and turn lane construction.
- Owner's payment of the development related charges including Storm Water Management, Sanitary Sewer Availability, Water Availability, Watermain extension and Transportation Improvement District charges.
- Owner's dedication of Parkland

Staff recommends the Council approve the Development Agreement. The developers have executed the agreement.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Fieldstone Development Agreement with Gene Peters.

COUNCIL ACTION:	Motion by:	Second by:	_ to:
			



MEETING

DATE:

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	TEM NO. 0
ITEM DESCRIPTION: STORMWATER MANAGEMENT AGREEMENTS		PREPARED BY M. Baker	

The Department of Public Works has received a request on two (2) properties, to voluntarily participate in the City's Regional Storm Water Management Plan (SWMP). This department has reviewed the information for these properties and has determined that there is support for participation. The Owners have requested voluntary participation in the City's Plan, with the applicable participation fees as follows:

Stopped here

- RYFA & RYSA Buildings @ University Center (SDP#03-28)
- 987.33

Mayo Parking Lot Expansion (SDP#03-15) 3rd St SW & 5th Ave SW

517.55

The Owners have already provided payment for their respective charges. These funds will be deposited upon acceptance by the Council for the properties to participate in the City's Plan.

COUNCIL ACTION REQUESTED:

Adopt a Resolution accepting voluntary participation by the above noted properties, in the City's Regional Storm Water Management Plan (SWMP).

COUNCIL ACTION: Motion by:	Second by:	to:



MEETING

DATE:

4/7/03

AGENDA SECTION: ORIGINATING DEPT:

ITEM NO. **Public Works**

ITEM DESCRIPTION:

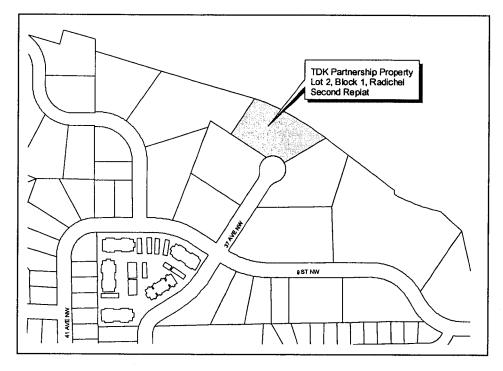
CONSENT AGENDA

Pedestrian Facilities Agreement - TDK Partnership, for Lot 2, Block 1, Radichel Second Replat, Olmsted County, Minnesota

M. Baker

Staff would offer the following Pedestrian Facility Agreement for consideration by the Council:

TDK Partnership is the Owner of real property platted as Lot 2, Block 1, Radichel Second Replat. Olmsted County, Minnesota. The Owner has requested approval of a Site Development Plan (SDP#03-31), to allow addition development on the Property, and as a condition of approval, has requested that a Pedestrian Facilities Agreement be approved to address its obligations for providing pedestrian facilities along the frontage of the Property abutting 37th Ave NW.



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute a Pedestrian Facilities Agreement with TDK Partnership for Lot 2, Block 1, Radichel Second Replat, Olmsted County, Minnesota.

COUNCIL ACTION: Motion by:	Second by:	to:
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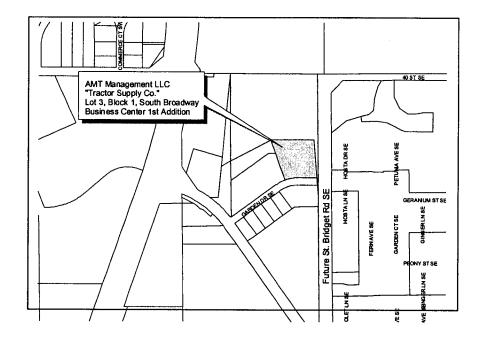
MEETING DATE:

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AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-20
ITEM DESCRIPTION:	 Contribution & Pedestrian Facilities Agreement –AMT Management, LLC (Lot 3, Block 1, South Broadway Business Center First Addition) 		PREPARED BY: 5

Staff would offer the following Contribution & Pedestrian Facility Agreement for consideration by the Council:

 AMT Management, LLC, a Kansas limited liability company, is the Owner of real property described as Lot 3, Block 1, South Broadway Business Center First Addition, in the City of Rochester, Olmsted County, Minnesota. The Owner has applied for a Site Development Plan (SDP#03-20), to develop the property with a commercial establishment known as Tractor Supply Company. The Owner has requested that a Contribution & Pedestrian Facilities Agreement be approved to address its obligations regarding future improvements to St. Bridget Rd SE, and construction of pedestrian facilities along the frontages of the Property.



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute a Contribution & Pedestrian Facilities Agreement with AMT Management, LLC for Lot 3, Block 1, South Broadway Business Center First Addition.

COUNCIL ACTION: Motion by:	Second by:	to:	



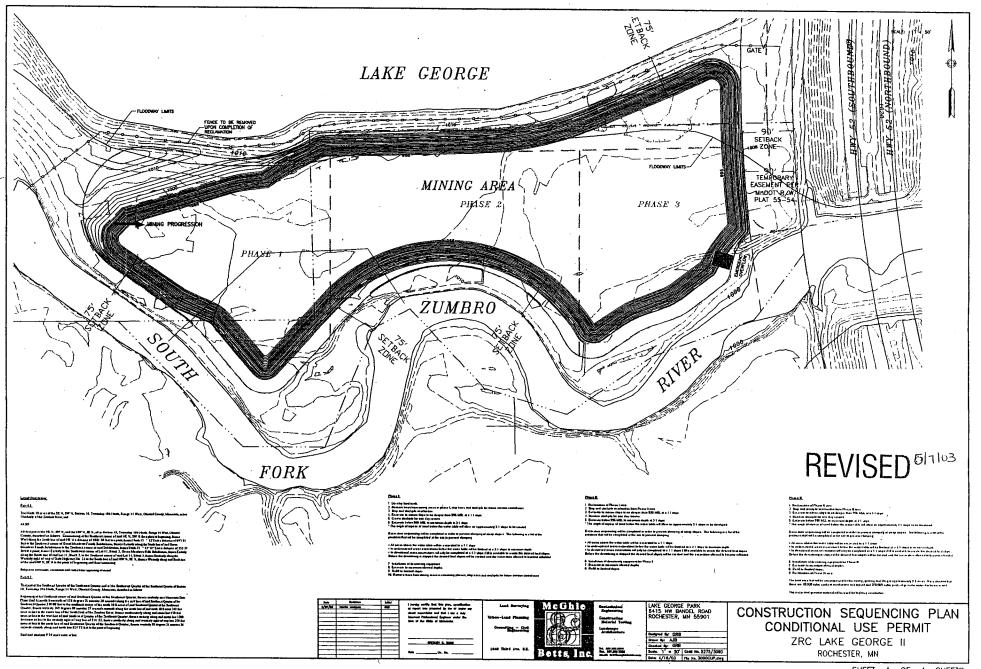
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REQUEST FOR COUNCIL ACTION

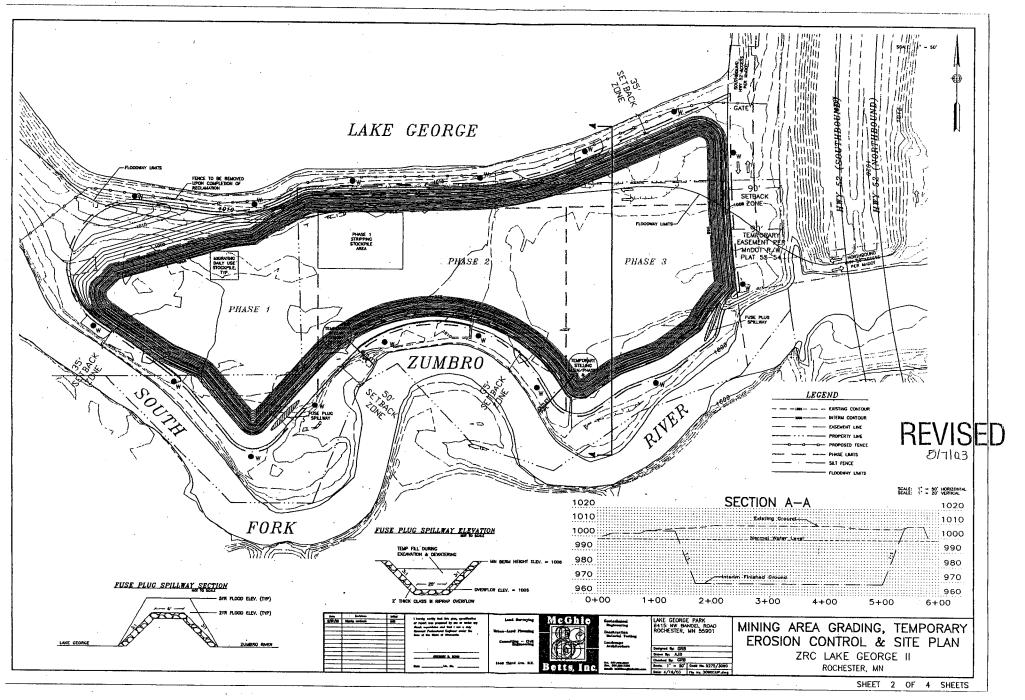
MEETING

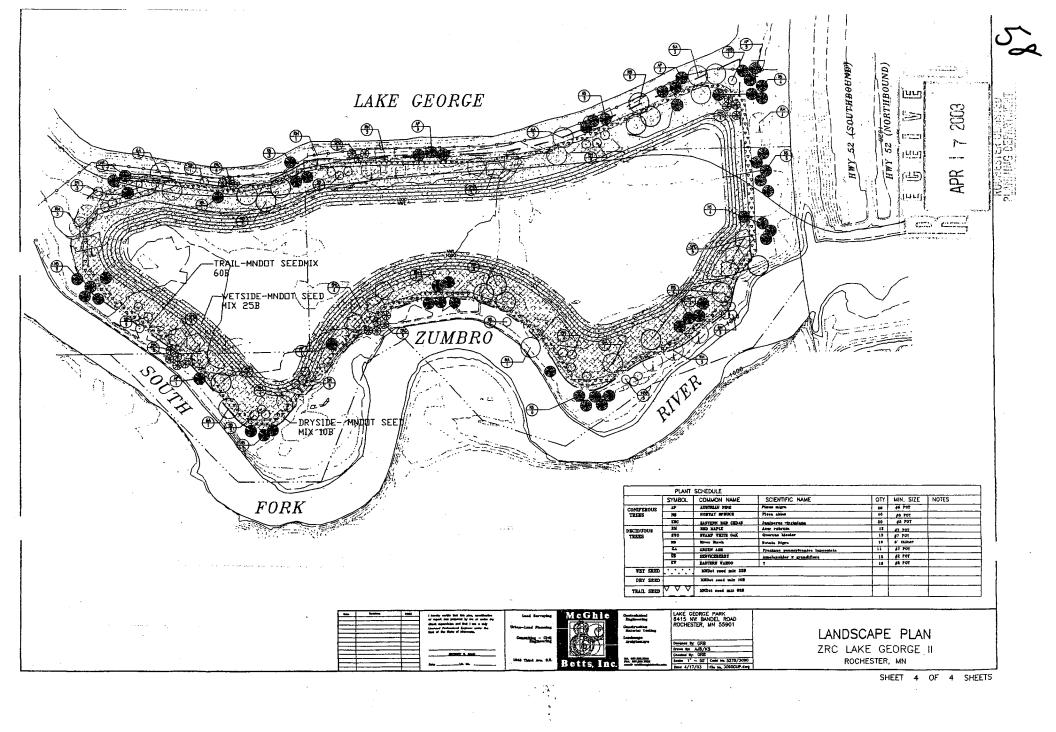
DATE: <u>6-2-03</u>

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.		
PUBLIC HEARINGS	PLANNING	DDEDARED BY:		
River Constructors and William Quick. The applicant is appealing the decision of the Rochester Planning & Zoning Commission to deny Variance(s) #03-07, considered concurrent with Conditional Use Permit(s) #03-11. The applicant is seeking approval to permit excavation of property located south of Lake George, north of the Zumbro River and west of TH 52. Excavation is proposed to provide construction materials for the TH 52 improvement project and would include haul route access directly to TH 52. This property includes approximately 10 acres of land zoned R-1 (Mixed Single Family Residential), which is also in the Flood Districts and Shoreland District.				
May 27, 2003 NOTE: The original application and report materials were sent to the Council separately due to its length.				
City Planning and Zoning Commission Recommendation:				
On May 14, 2003 the City Planning and Zoning Commission held a public hearing to consider Conditional Use Permit(s) #03-11 and Variance(s) #03-07. The Commission recommended denial of the Conditional Use Permit(s), and took action to deny the Variance(s). Please see the attached minutes from the meeting for additional details. The motion to deny carried 6-2.				
The applicant filed an Appeal of the Planning Commission decision to deny Variance(s) #03-07. The Conditional Use Permit application and Appeal will be considered by the Council concurrently.				
Regarding the Appeal Section 60.764 of the Rochester Zoning Ordinance and Land Development Manual requires the following: Review Body Decision: Upon review, the review body may by order affirm, reverse or modify in whole or part a determination, requirement, or decision that is under review. When the review body modifies or renders a decision that reverses a decision of the zoning administrator or hearing body, the review body, in its order, shall set forth its finding and state its reasons for taking the action encompassed in the order. When the review body elects to remand the order back to the hearing body for such further consideration as it deems necessary, it shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify such.				
Council Action Needed:				
1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution either approving, approving with conditions, or denying the Conditional Use Permit request based upon the criteria included in the staff report.				
2. If the Council wishes to proceed with the Appeal, it should instruct the City Attorney to prepare a resolution either to affirm, reverse or modify in whole or part the decision of the Planning Commission to deny Variances #03-07.				
COUNCIL ACTION: Motion by: Se	cond by: to:			



SHEET 1 OF 4 SHEETS





1709 Lakeview Dr SW Rochester, MN 55902 (507)289-0472 tomm1709@charter.net

May 13, 2003

Rochester Planning & Zoning Commission

RE: Meeting May 14, 2003

Agenda Item Hearing on Conditional Use permit#03-11 and Variance(s) #03-07 by Zumbro River

Constructors

Dear Commissioners,

I am one of many homeowners directly affected by this proposal. While I was among those fortunate enough to receive the notice card postmarked May 2nd, I was unable to learn of any of the specifics being considered until the agenda appeared on your website Monday, May 12th. After downloading, printing, and some study, I am shocked at the magnitude of this proposal and the complete absence of any mention of present use under a long standing agreement with the original developers of the Green Meadows area and a restatement adopted in 1994 with Mr. Quick – a proponent. The original and restated agreements cover private use of Lake George and surrounding lands by residents in the six residential associations in exchange for monthly fee payments and specify several obligations and conditions that apply. While it is non-exclusive, 196 residential units participate and currently contribute over \$10/unit/mo in addition to certain special expenses payable to Lake George Park LLC via their association monthly fee payments. Provisions of the extensive agreement are intended to provide peaceful and safe enjoyment of access to the Zumbro River and woodland habitats for wildlife, birds, flower and fauna in addition to Lake George created years ago as unique amenities adding to the value and appeal of what is now a large high quality residential community. Most residents are long time Rochester residents in their retirement years who benefit greatly from the close and convenient trails that encourage fitness and constant exposure to the changing seasonal environments and entertainments for their guests and grandchildren which must be experienced to appreciate and understand - walking in the woods within a block or two of home is amazingly similar to what usually requires travel to more distant state and county parkland. Phase I of the proposal would destroy it almost completely during 2003.

I am certain many of my neighbors will also be concerned – page 2 in the original application package indicates a public informational meeting would be held prior to your hearing but **this has not yet been done** and most residents are presently unaware of the extent and impact of the proposal. The level of Lake George varies quickly with that of the river and we need some understanding of the potential impact of the proposed dewatering in phases 2 & 3 on the lake and its fish. Each of our associations has a board and together each board is represented on the lake committee. The lateness of specific information has made it impossible for proper consideration and reasoned response by the folks that represent our interests and which should be considered by the commission before acting on the application. At a minimum, I ask you to reschedule your hearing on this application until our representatives can meet and decide our position on it.

Sincerely,

Cc: Mitzi Baker –Roch/Olm Planning Charleen Zimmer - ZRC

Tel: Home - (507) 282-7080

Cell: - (507) 269-2404

O. Box 72 ochester, Minnesota, 55903 USA

Tel: Home - (507) 282-7080 Cell: - (507) 269-2404 3, 55903 USA

2209 Bainly C+ City 55902 5/13/05

City Planing on Loving Commissions only because I will be out of Tour de I weite; else I'd have been Present. MRS WATSON And I STRONGly oppose the Remits and VARIANCES 03-11 al 03-07. There & No Reman to destroy Close in Residential Areas, Non Bonoak-1 al There by also to des TRO, much contiguous gregation to Remove trees and dig a whole Il - Actually for temper my construction use! Such permits would Also hit strongly upon the Flood Plan - previously approved and paid Ton - There seems di be us reacy uplid Kenson on hose commices Except for not original - and There exten - profit Aptives quick prof - plus dear tomant. Apens were The Core of The City must not be descripted - There is Angele hinter land for Sand and LATER CONSTRUCTION!

Grown of his city does not here in vote do teathe original Zoning plan !! The DAMAGE to the skew in total in both Short term and Long term - Thereby to the City itself - would be howendons -Cotizening is having a large problem Coping with the apparent necessities of they To renewal. To do As The patitionin regulars Adds major uneday unneressary and boll wanted excess and problem Please - in The best interests of our any - REJECT! Thorne ga.

£.

APPEAL #03-01



Rochester Minnesota

1648 Third Avenue S.E. Rochester, MN 55904

Tel. 507.289.3919 Fax. 507.289.7333 e-mail. mbi@mcghiebetts.com Established 1946 May 19, 2003

Ms. Mitzi Baker Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

RE:

Appeal of Variance Decision Zumbro River Constructors Rochester Township

Dear Ms. Baker:

We are on behalf of our client submitting an appeal to the Planning and Zoning Commission denial of our request for seven variances related to the Conditional Use Permit Application titled TYPE III PHASE II CONDITIONAL USE PERMITFOR SAND AND GRAVEL EXTRACTION IN A RESIDENTIAL DISTRICT, TYPE III PHASE III CONDITIONAL USE PERMIT TO FILL IN A DESIGNATED FLOOD PRONE AREA, AND VARIANCE REQUEST FOR SHORELINE SETBACKS AND MINIMUM LAKE SIZE ON LAND LOCATED IN SECTION 10, ROCHESTER TOWNSHIP, ROCHESTER, MINNESOTA.

We are requesting an appeal to the City council for the denial for the seven requested variances because the P&Z did not specifically or adequately address the requested variances and the P&Z did not make, recommend, or direct the staff to prepare findings for denial of the variances. We have attached our April 28 submittal that details the seven requested variances including the applicable code sections and our comments relative to the findings of extraordinary conditions, the reasonable use of the property, the lack of public determent and this need for the minimal number of variances.

Because the proposal to extract sand and gravel resources in an area abutting the US52 Work Zone lies between the Zumbro River and Lake George five of the seven variances are all related to the setbacks and ultimate size of the new lake (Shoreland Alterations - 62.1006, 1,b,2; Minimum water body size - 62.1106, 2,e, 2; Required Bufferyards – 62.1106, 4, b; Property setbacks - 62,1108,1,k; and Excavation in proximity to a protected waterway 62.1108,1,q), items that would diminish both the size and configuration of the project and limit the available reserves. The variance related to work hours (62.1108, 1,b) is requested so to meet the 24/7 project schedule and allow excavation and hauling during the normal course of planned work along US52. 24-hour work is critical to the plan to accelerate the construction and to complete the project in a compressed time frame and minimize community disturbance. The request to vary the



requirements for fencing around the entire perimeter is made because the Zumbro River is a natural barrier for site access and because fences that run perpendicular to the flow of the River may become a flood hazard. Please refer tot eh April 28 letter for more details.

Sincerely:

McGHIE & BETTS ENVIRONMENTAL SERVICES, INC.

Jeffrey S. Broberg; CPG, REM

Minnesota Licensed Professional Geologist #30019

Registered Environmental Manager #3009



April 28, 2003

Ms. Mitzi Baker Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

RE:

Zumbro River Constructors

Rochester Township

Rochester Minnesota

Dear Ms. Baker:

Environmental Site Investigations, Management & Design

Asbestos, Lead, & Other Hazardous Materials

Wetland Delineation & Permitting

Indoor Air Quality

Geological Hazards

UST & Spills

Environmental Assessment Worksheet & Impact Statements

VIC (Voluntary Investigation & Clean Up)

We are on behalf of our client, Zumbro River Constructors and Mr. William Quick, we are submitting a request for additional variances related to the Conditional Use Permit Application titled TYPE III PHASE II CONDITIONAL USE PERMIT FOR SAND AND GRAVEL EXTRACTION IN A RESIDENTIAL DISTRICT, TYPE III PHASE III CONDITIONAL USE PERMIT TO FILL IN A DESIGNATED FLOOD PRONE AREA, AND VARIANCE REQUEST FOR SHORELINE SETBACKS AND MINIMUM LAKE SIZE ON LAND LOCATED IN SECTION 10, ROCHESTER TOWNSHIP, ROCHESTER, MINNESOTA. Please consider this letter a supplement to the original application.

If you have any questions or need additional information please contact me.

Very Truly Yours,

McGHIE & BETTS ENVIRONMENTAL SERVICES, INC.

Jeffrey S. Broberg; CPG, REM

Certified Professional Geologist #8184

Registered Environmental Manager #3009

1648 Third Avenue S.E. Rochester, MN 55904

> Tel. 507.289.3919 Fax. 507.289.7333

e-mail. mcghiebetts.com





VARIANCE REQUEST FOR ZUMBRO RIVER CONSTRUCTORS IN PART OF THE SOUTHWEST QUARTER OF SECTION 10, ROCHESTER TOWNSHIP ROCHESTER, MINNESOTA

SUPPLEMENT TO THE APPLICATION FOR VARIANCE

REQUEST

Zumbro River Constructors is proposing to complete sand and gravelk extraction on a portion of Section 10 of Rochester Township. The project is adjacent to Lake George and the south fork of the Zumbro River and would fall under City of Rochester Zoning Ordinance. Four separate variances to the Zoning Ordinance are necessary:

- 1. 62.1006 Shoreland Alterations: Section 1b.2 which regulates the clearing of trees and shrubs. The proposed plan for mining at the site would require the removal of all vegetation outside of the buffer of the Zumbro River. All vegetation that lies within the buffer area will be maintained.
- 2. 62.1108 Standards for Sand and Gravel Excavation: Section 1q which does not allow excavation within 100 feet of a protected water body. Approval of the plan to excavate closer than 100 feet of the Zumbro River has been approved by the Minnesota Department of Natural Resources.
- 3. 62.1108 Standards for Sand and Gravel Excavation: Section 2, part E, subpart 2, that requires minimum size and depth of a water body created by sand and gravel excavation. The ordinance requires a minimum size of 5 acres and depth of 24-30 feet. The proposed water body would be a maximum of 4.6 acres in size and in some areas would not meet the depth requirements. The Minnesota Department of Natural Resources has reviewed the plans for the finished water body and have concluded that water quality would be adequate given the proposed sizing of the resultant water body.
- 4. 62.1108 Standards for Sand and Gravel Excavation: Section 1b which allows the hours of operation to be from 7 AM to 10 PM. Due to the demands created by the US 52 Expansion Project the operating hours at the proposed mining operation would need to be 24 hours a day. Much of the construction of the US 52 Expansion Project will be completed during nighttime hours and the fill produced from this proposed mining operation would be needed.
- 5. 62.1106 Required Plans and Information: Section 4b which requires a 50-foot bufferyard from all property lines and plantings within that bufferyard. The appropriate bufferyards will be maintained with the exception of the areas adjacent to water bodies. These areas have been verbally approved by Mr. Bob Bezek of the MNDNR as

- acceptable. The existing vegetation of the bufferyards will be maintained. This existing vegetation will be more than adequate to compensate for the required planting. Photos of the current vegetation at the site is attached.
- 6. 62.1108 Standards for Sand and Gravel Excavation: Section 1, subpart j, requires a 6-foot continuous fence around the project area. We propose to fence only the northern and western boundaries of the project area. We feel that the Zumbro River to the south and US Highway 52 to the east provide an adequate obstacle to potential trespassers and that fencing along the southern and eastern boundaries of the project area is unnecessary.
- 7. 62.1108 Standards for Sand and Gravel Excavation: Section 1, subpart k, requires a 500-foot setback from all properties zoned R-1 and a 750-foot setback from R-1 zoned areas from all stockpiles and loading areas. Due to the distance of the project site from homes and residential areas and the type of landscape that separates these areas we feel the required setbacks are not necessary.

In response to the criteria for granting a variance, as listed in Section 60.417 of the Land Development Manual and Zoning Ordinance, we offer the following findings:

1a: The extraordinary conditions that are unique to this site are its size, proximity to water bodies, and proximity to the ensuing US 52 Expansion Project. The size of the parcel and its shape does not allow it to meet requirements for final water body dimensions, preservation of trees and shrubs in the shoreland area, and the buffers of a protected water body.

Due to the size of the parcels and their irregularity a finished water body could not meet the required size or depth due to adhering to existing ordinances that require specified finished slopes within the finished water body. The size and irregularity of the parcels also does not allow for the preservation of trees and shrubs and compliance with the required 100 foot buffer from a protected water body. In order to optimally mine the resources at the site the 100 foot buffer will need to be reduced and the trees and shrubs that fall within this area will need to be removed.

An extraordinary condition exists at the site in the form of the US 52 Expansion Project. This project will be in the construction phase 24 hours a day and in order to complete this construction, sand and gravel resources will be needed during these hours of operation.



- 1b. The variance is necessary to permit reasonable use of the property as a sand and gravel extraction operation. The proximity of the site to the US 52 Expansion Project and the materials required for completion of the project are reasonable. The established resources at the site and their proximity to the expansion project make this site an exceptionally cost effective resource.
- 1c. The granting of this variance will not be detrimental to the public. The use of this property for sand and gravel extraction will create additional flood storage, reduced cost to the public for sand and gravel resources, recreational amenity, and aesthetics. The use of this property for sand and gravel extraction also will not create detrimental affects such as reduced water quality.
- 1d. The variance is the minimum request necessary to provide reasonable economic use of the site. The site has established sand and gravel resources and its proximity to the US 52 Expansion Project makes sand and gravel extraction a reasonable use of the site.

As previously mentioned, this application includes multiple conditional use and variance requests. The following table is a summary of these requests:

CONDITIONAL USE:

LDM Section# - Reference:			
62.833	Extraction of Sand/Gravel in the Floodway District requires Type III, Phase III CUP		
62.1000	Sand & Gravel Excavation requires Type III, Phase II CUP		

VARIANCES:

VARIANCES:	T T 6 "		<u> </u>	
LDM Section# - Reference:	Ordinance Requirement:		Applicant Request/Proposal:	Notes:
62.1006, 1, b, 2	Shoreland Alterations, Intensive vegetation clearing within 50' of OHW is not permitted		Proposes clearing and excavation within 35' of OHW, with reclamation to	DNR did call Planning, they do not object to proposal to excavate closer so long as the reclamation includes 75' land from OHW
62.1106, 2, e, 2	Water bodies should be a min. 5 acres with an average depth of 24-30 feet		Water body will be a max. of 4.6 acres and will not be at min, average depth.	
62.1106, 4, b	Required 50' Bufferyard and with Plantings along perimeter of the site to be planted in 1 st season.	1	Along river, would excavate within 35' of OHW. Existing veg to remain in that area to provide some buffer during operation.	Reclamation will require plantings along perimeter following completion
62.1108, 1, b	Hours of Operation limited to 7am-10pm		Request ability to operate 24 hours/day; would use lighting at night	
62.1108,1,,j	6' security fence is required along entire perimeter		Will provide fence along north and west property boundaries; River provides barrier to south, TH 52 provides to east.	
62.1108,1, k	500' selback to adj. Property zoned R-1; 750' selback to slockpiles & loading areas		Won't meet these setbacks from property lines.	Lake George is on adjacent land to north; City lands & open space south and west of River; Nearest residential dwellings to the north are approx 600' away, to west approx 870'.
62.1108, 1, q	No excavation within 100' of protected waterbody, unless permitted by DNR.		Along river, would excavate within 35' of OHW.	DNR did call Planning & do not object so long as the reclamation includes 75' land from OHW

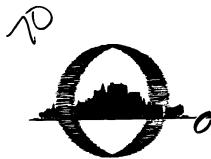
Variance requests are subject to findings identified in Section 60.417.

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CUP #03-11

&

VARIANCES #03-07



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



lmsted

TO:

City Planning & Zoning Commission

FROM:

Mitzi A. Baker, Planner

DATE:

May 8, 2003

RE:

Conditional Use Permit(s) # 03-11 and Variance(s) #03-07 by Zumbro River Constructors. The applicant is seeking approval to permit excavation of property located south of Lake George, north of the Zumbro River and west of TH 52. Excavation is proposed to provide construction materials for the TH 52 improvement project and would include haul route access directly to TH 52. This property includes approximately 10 acres of land zoned R-1 (Mixed Single Family Residential), which is also in the Flood Districts and Shoreland District. Multiple Conditional Use Permits and Variances will be considered as part of this application.

Planning Department Review:

Applicant(s):

Zumbro River Constructors 2450 Marion Road SE

Rochester, MN 55904

Owner(s):

William Quick

Engineer/Consultant:

McGhie & Betts, Inc. 1648 Third Ave. SE Rochester, MN 55904

Requested Action:

This application incorporates multiple conditional use permit and variance requests. Primarily, the applicant is requesting a Type III, Phase II Conditional Use Permit to Excavate Sand and Gravel in the R-1 (Mixed Single Family) District and Flood Districts. Multiple Variances are being requested to regulations specific to the Excavation regulations as well as

a variance to Shoreland regulations (this property is also within the

Shoreland District).

Location of Property:

This property is located south of Lake George, north of the Zumbro River

and west of TH 52.



Zoning:

R-1 (Mixed Single Family) District. This property is also within the Flood Overlay Districts and Shoreland Overlay District.

Referral Comments:

- 1. Rochester Public Works (see attached)
- 2. Rochester Park & Recreation (see attached)
- 3. MN Pollution Control Agency (see attached)

Standards for Approval:

Conditional use permits in the Flood Districts are subject to the same standards as every conditional use (see Section 61.146), and some specific conditions related to the Flood Districts (Sections 62.824, 62.834 and 62.860). Activities in the Shoreland Overlay District are subject to specific regulations in Section 62.1000 *et. seq.* Excavation activities are regulated by Section 62.1100 *et seq.* Conditional Uses for Excavation are also subject to 61.146 and some additional standards specific to Excavation found in Section 62.1105. Variance requests are subject to findings identified in Section 60.417.

Report Attachments:

- Excerpts from the Rochester Zoning Ordinance and Land Development Manual
- 2. Referral Comments
- 3. Location Map
- 4. Application materials (report and plans)

Background & Summary:

Zumbro River Constructors is the name of the team selected to be in charge of the design and construction of TH 52 through the City of Rochester (ROC52 project). They are also the applicant for this proposal and intend to utilize materials from this site for the TH 52 reconstruction project. Direct access to TH 52 has been granted by MnDOT to Zumbro River Constructors to haul materials from and to the excavation site as part of the overall construction project. The ROC52 project is proposed to be completed by the fall of 2006 and will include the re-build of 11 miles of US Hwy 52 between 85th St. NW and TH 63 (near Menards south).

The applicant is proposing to excavate sand and gravel materials on approximately 10 acres of land located north of the Zumbro River, south of Lake George and west of TH 52. The property is zoned R-1 (Mixed Single Family) and is also within the Shoreland Overlay District and the Flood Districts. Most of this property is in the Floodway.

The attached report from McGhie & Betts, Inc. details the proposed application, sequence of operation and reclamation and additional information as required for this type of application. Following initial submittal of the application, staff met with McGhie & Betts staff to discuss the application, and identify additional information and clarification required to review the application. Additional materials were submitted May 7, 2003 as an addendum to the application (see attached).

In summary, the applicant is proposing to extract sand & gravel materials from the site. Excavation would begin this year and be completed in 2006. This time frame coincides with the schedule for the ROC52 project. In order to coordinate the excavation with the ROC52 project time frame, the applicant is requesting approval to operate 24 hours a day, 7 days a week, 12 months a year as the weather and seasons permit. Temporary light fixtures would be used for night operations, similar to lighting for night construction within the ROC52 construction zone (which is directly adjacent to the east side of this property). As part of the ROC52 project, excess earthen materials will be removed from the construction zone which will need to be disposed of. The applicant is proposing to utilize some of this excess earth material to reclaim the excavation site (primarily the slope of the lakebed), which will result in some materials being hauled in to the site during the phasing of the project. Temporary Stockpiling in the Flood Districts is proposed, to provide enough materials for one day of hauling from the site.



As previously mentioned, this application includes multiple conditional use and variance requests. The following table is a summary of these requests:

CONDITIONAL USE:

LDM Section# - Reference:	
62.833	Extraction of Sand/Gravel in the Floodway District requires Type III, Phase III CUP
62.1000	Sand & Gravel Excavation requires Type III, Phase II CUP

VARIANCES:

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62.1106, 4, b	Required 50' Bufferyard and with Plantings along perimeter of the site to be planted in 1 st season.	Along river, would excavate within 35' of OHW. Existing veg to remain in that area to provide some buffer during operation.	Reclamation will require plantings along perimeter following completion
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62.1108,1, k	500' setback to adj. Property zoned R-1; 750' setback to stockpiles & loading areas	Won't meet these setbacks from property lines.	Lake George is on adjacent land to north; City lands & open space south and west of River; Nearest residential dwellings to the north are approx 600' away, to west approx. 870'.
62.1108, 1, q	No excavation within 100' of protected waterbody, unless permitted by DNR.	Along river, would excavate within 35' of OHW.	DNR did call Planning & do not object so long as the reclamation includes 75' land from OHW

Variance requests are subject to findings identified in Section 60.417.

The Planning staff suggested findings to Section 60.417 are (see attached excerpt from the LDM):

EXCEPTIONAL CIRCUMSTANCES: There are no residential dwellings as land uses that directly abut this property. To the north, is the existing Lake George. Homes on the north side of that lake are approximately 600' from the property included in this petition. To the west, the nearest homes are approximately 870' from the Zumbro River which is near the western boundary of proposed excavation included in this petition. To the south is the Zumbro River, City Park land and other undeveloped parcels. TH 52 abuts this property to the east. The applicant is proposing a relatively short time frame (approx 3 years) to complete the excavation and reclamation of this property, to coincide with the condensed ROC52 reconstruction project. Direct access to TH 52 will result in no hauling on local City or County roadways.

<u>REASONABLE USE</u>: Most of this property is in the Floodway. Use of the property is very limited due to the Floodway designation of the property. Though Variances may not be required to permit the reasonable use of the property involved, granting of the Variances would provide reasonable use of the site for extraction of the granular material resource.

ABSENCE OF DETRIMENT: The granting of this variance request does not appear to be materially detrimental to the public welfare or to other property in the area. TH 52 will undergo significant transformations during the same time frame proposed for excavating this site. The Highway will be a construction zone, that will generate noise, truck traffic and night lighting associated with such a major project. Since the property included in this petition is directly adjacent to the Highway, excavation activities may appear more ancillary to the overall ROC52 project and the impacts of this excavation activity may be noticed less than without the ROC52 project. Water quality issues, related to the size and depth of the proposed water body have been addressed by the applicant's consultant.

<u>MINIMUM VARIANCE</u>: Variances requested, though they may not be the minimum necessary, would provide reasonable economic use of the property to extract the maximum amount of material possible while maintaining the ability to reclaim the site as required by the Rochester Zoning Ordinance and Land Development Manual.

Recommendation:

At this time, staff is not satisfied with the information provided by the applicant regarding temporary lighting that would be used on-site during night/dark hours. Additional detail should be provided including specs of lighting standards, and how the lighting direction and illumination compares to the limitations of the Rochester Zoning Ordinance and Land Development Manual for properties in the R-1 (Mixed Single Family) district.

Additionally, the applicant should clarify the intended haul route plan and whether trucks are proposed to cross or enter the waters of the Zumbro River at any point.

If the Commission wishes to make a recommendation, staff would recommend the following conditions or modifications:

- 1. Prior to excavation, the applicant shall provide the City with a financial security consistent with Section 62.1108, 1, i of the Rochester Zoning Ordinance and Land Development Manual.
- 2. Stockpiling of materials on this site shall be limited to materials excavated from this property; stockpiling shall be temporary to provide one day worth of material to be hauled from the site. Stockpiles shall be removed from the site prior to ceasing operations for more than five working days.



- 3. Approval of this permit shall expire January 1, 2007, unless permit approval is extended as provided in Section 62.1110, 7 of the Rochester Zoning Ordinance and Land Development Manual. All reclamation activities must be complete prior to the date of expiration, consistent with reclamation standards of the Rochester Zoning Ordinance and Land Development Manual.
- 4. Prior to dewatering, the applicant shall file with the Planning Department a copy of an approved Water Appropriations Permit from the MNDNR for such activity.
- 5. Prior to commencing operations on this property, the applicant shall obtain grading plan approval from the City.



EXCERPTS FROM THE ROCHESTER ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL

- 60.417 **Findings for Variances:** In taking action on a variance request, the approval authority shall make findings supporting the decision based on the following guidelines:
- 1) The approval authority may grant a variance to the provisions of this ordinance if it finds that:
 - there are extraordinary conditions or circumstances, such as irregularity, narrowness, or shallowness of the lot or exceptional topographical or physical conditions which are peculiar to the property and do not apply to other lands within the neighborhood or the same class of zoning district; and
 - b) the variance is necessary to permit the reasonable use of the property involved; and
 - the variance will not be materially detrimental to the public welfare or materially injurious to other property in the area, is in harmony with the general purpose and intent of this ordinance, and will not adversely affect implementation of the Comprehensive Plan; and
 - d) the variance as granted is the minimum necessary to provide reasonable economic use of the property.

The extraordinary conditions or circumstances shall be found not to be the result of an action by the applicant or property owners who have control of the property.

In addition, the approval authority shall find that development of the parcel in question cannot be integrated with development of adjacent parcels under the same ownership in such a manner so as to provide for the reasonable economic use of the total site in a manner consistent with the provisions of this ordinance.

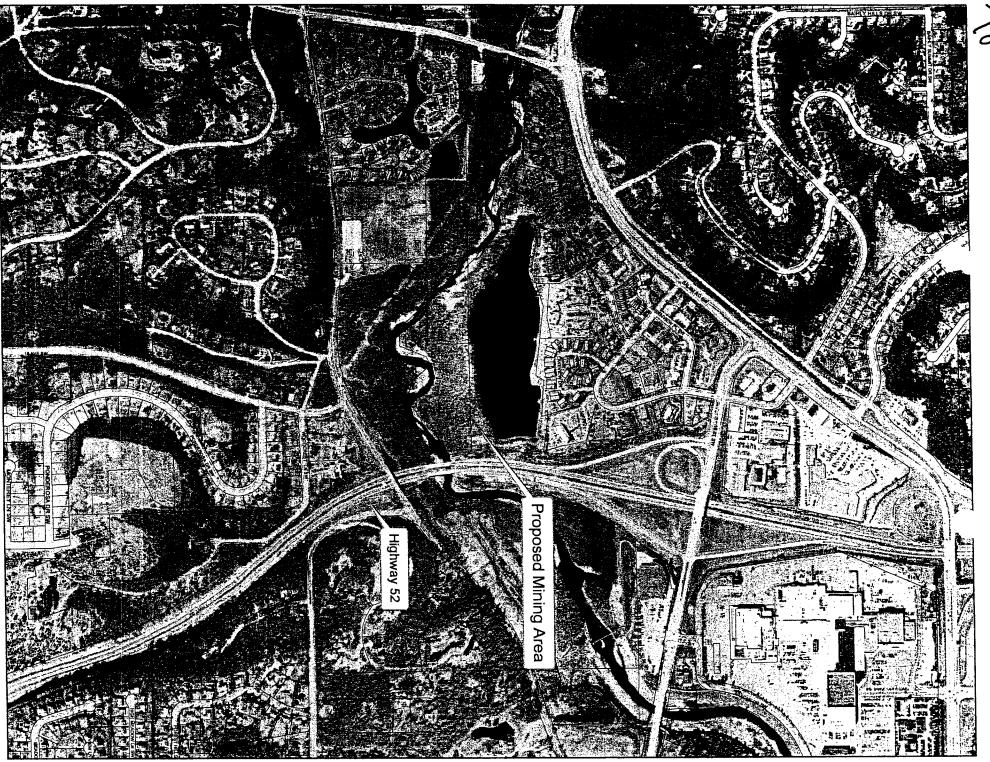
- 2) The Board may grant a variance to the literal provisions of this ordinance if it finds that:
 - a) there has been substantial and detrimental reliance in good faith by an applicant who has received a permit or certificate issued in error by the administrative official charged with enforcement of this ordinance, and
 - b) the mistaken issuance of the certificate or permit is not the result of an action on the part of the applicant, the property owner, or any other person or party who has had control of the property, to provide misleading or incorrect information, or to knowingly withhold information necessary for the administrative official to accurately review the permit or certificate request.
- 3) The Board shall under no circumstances grant a variance that will allow a use otherwise not permitted within the zoning district or any variance of the elevation or levels for flood protection.
- 4) In granting a variance, the zoning administrator or the Board may impose such reasonable and appropriate conditions and safeguards as may be necessary to accomplish, to the extent possible under the circumstances, the purposes of the regulations or provisions which are to be varied or modified and to reduce or minimize potentially injurious effects of the variance upon adjoining properties, the character of the neighborhood, and the health, safety, or general welfare of the community. A variance and any conditions and safeguards which were made a part of the terms under which the variance was granted are binding upon the applicant and any subsequent purchaser, heir, or assign of the property, and any violation of a variance or its conditions and safeguards shall be a violation of this ordinance and punishable as such.
- 61.145 **Matters Under Consideration**: The review of a conditional use is necessary to insure that it will not be of detriment to and is designed to be compatible with land uses and the area surrounding its location; and that it is consistent with the objectives and purposes of this ordinance and the comprehensive plan.
- 61.146 Standards for Conditional Uses: The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:
 - provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.

- 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.
- 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
- 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
- 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
- 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
- 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
- 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.
- 62.824 Conditional Use Permits Standards for Approval: When deciding on Conditional Use Permits in any of the flood districts, the following factors, in addition to the standards of Paragraph 61.146 shall also be considered:
 - The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - 2) The danger that materials may be swept onto other lands or downstream to the injury of others.
 - The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary condition.
 - 4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - 5) The importance of the services provided by the proposed facility to the community.
 - 6) The need for a waterfront location for the facility.
 - 7) The availability of alternative locations not subject to flooding for the proposed use.
 - 8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - 9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - 10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - 11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - 12) Such other factors which are relevant to the purposes of Paragraph 62.800.

62.1102 FINDINGS NECESSARY FOR ISSUANCE OF CONDITIONAL USE PERMITS (for Excavation Activities):

The City shall approve a conditional use permit authorizing an excavation activity only if <u>all</u> of the following findings with respect to the proposed activity are made, in addition to those listed in Section 61.146:

- The activity will not result in a danger to life or property due to (1) steep or unstable slopes, (2) unsafe access to the property, (3) excessive traffic, or (4) proximity to existing or planned residential areas, parks and roadways;
- 2) Visual, noise, dust, and/or excessive on- or off-site environmental impacts on public parks, roadways and residential areas can be adequately mitigated by the Applicant and a fully detailed plan is submitted by the Applicant to demonstrate the mitigation methods to be used, the cost of such mitigation, the source of funds for such mitigation, and adequate legal assurance that all of such mitigation activities are carried out;
- 3) The use of trucks and heavy equipment will not adversely impact the safety and maintenance of public roads providing access to the site, or such impacts will be mitigated;
- 4) The proposed use will not adversely affect air quality or ground water or surface water quality;
- 5) The proposed use will not adversely affect the scenic quality of Rochester or the natural landscapes, environment, wildlife and wildlife habitat; or if such effects are anticipated to occur, the reclamation plan provides for adequate restoration of the site following completion of the excavation activity:
- 6) The activity will be compatible with existing development and development anticipated in the future, including other uses as shown in the Comprehensive Plan, including but not limited to: patterns of land use, recreational uses, existing or planned development, public facilities, open space resources and other natural resources;
- 7) The activity will not unduly affect the use and enjoyment of adjacent properties;
- 8) The site plan provides for adequate buffers and screening year-round from unsightly features of the excavation operation;
- 9) The reclamation plan provides for adequate and appropriate restoration and stabilization of cut and fill areas;
- The excavation activity will not result in negative impacts on drainage patterns or stormwater management facilities;
- 11) The proposed activity will minimize impacts on sinkholes, wetlands and other natural features affecting ground water or surface water quality;
- 12) The intensity and the anticipated duration of the proposed excavation activity is appropriate for the size and location of the activity;
- 13) Permanent and interim erosion and sediment control plans have been approved by the City;
- Surety has been provided that guarantees the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive Plan, neighborhood plans, the Land Use Plan and applicable City policies.
- 15) The proposed activity complies with the requirements of the adopted building code.



REFERRAL COMMENTS





Minnesota Department of Transportation

Minnesota Department of Transportation - District 6 Mail Stop 060 2900 48th Street N.W. Rochester, MN 55901-5848

Fax: 507-285-7355 E-mail: dale.maul@dot.state.mn.us

Office Tel: 507-280-2913

April 28, 2003

Jennifer Garness Rochester Olmsted Planning Department 2122 Campus Drive SE – Suite 100 Rochester, MN 55904

RE: Conditional Use Permit(s) #03-11 and Variance(s) #03-07 by Zumbro River Constructors. The applicant is seeking approval to permit excavation of property located south of Lake George, north of Zumbro River and west of US Highway 52.

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) Planning Office has received the above proposal by Zumbro River Constructors and our comments are:

- Access to/from US Highway 52 shall be approved by the Mn/DOT ROC 52 Project Manager, Terry Ward, P.E., at (507) 280-2857, and shall be for the Zumbro River Constructors use only.
- The Zumbro River Constructors shall fully address the Environmental Permitting Issues.

Thank you for keeping the Planning Office informed. For any additional questions you may contact the Planning Office's Principal Planner, Fred Sandal, at (507) 285-7369 or Plan and Plat Coordinator, Debbie Persoon-Bement, at (507) 281-7777.

Sincerely,

Dale E. Maul

Planning Director

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ROCHESTER

— Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904 DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 5/7/03

Public Works has reviewed the requested <u>Conditional Use Permit(s) #03-11</u> & <u>Variance(s) #03-07</u> by Zumbro River Constructor, for the proposed <u>Lake George II Project</u>. The following are Public Works comments on this request:

1. Grading Plan approval is required prior to any excavation activities on this Property.

S.

REVISED APPLICATION MATERIALS



Rochester Minnesota

Environmental Site Investigations, Management & Design

> Asbestos, Lead, & Other Hazardous Materials

> > Wetland Delineation & Permitting

Indoor Air Quality

Geological Hazards

UST & Spills

Environmental Assessment Worksheet & Impact Statements

VIC (Voluntary Investigation & Clean Up)

April 28, 2003

Ms. Mitzi Baker Rochester Olmsted Planning Department 2122 Campus Drive SE Rochester, MN 55904



Re: Conditional Use Permit Application and Variance Request Zumbro River Constructors and Mr. William Quick

Dear Ms. Baker:

The following is an addendum to the Conditional Use Permit Application for Lake George 2, a sand and gravel excavation, submitted by McGhie & Betts Inc. on behalf of Zumbro River Constructors and Mr. William Quick on April 16, 2003. The following changes/additions to the submitted application were made following a meeting between McGhie & Betts Inc., Zumbro River Constructors, and Ms. Mitzi Baker of the Rochester-Olmsted Planning Department. The concerns of Ms. Mitzi Baker are outlined below and each are followed with a response to those concerns.

- 1. A figure showing the properties included in the application is needed.
 - A figure is attached which outlines the two properties included in the application.
- 2. A section of the property included in the application may be owned by the City of Rochester.
 - The on-line property records showing the City to own land north of the Zumbro River is incorrect. Legal counsel for Mr. Quick presented the applicable deeds to Mr. Mike Nigbur on Friday May 3. Mr. Nigbur is verifying the records.
- 3. Will two drawdowns of the water table be needed in order to complete the mining and reclamation? Will the reclamation of the resulting basin be done in accordance with the City of Rochester Ordinance?

In 2003 Phase 1 of the mining operation will begin with the removal of the dry sand and gravel materials that are accessible without requiring drawdown of the water table. In 2004, after Phase 1 is complete, a dewatering system using a series of wells to pump clean water from the subsurface and draw-down the shallow water table 30-35 feet will be installed and the remaining material will then be extracted fro the dry basin.

1648 Third Avenue S.E. Rochester, MN 55904

> Tel. 507.289.3919 Fax. 507.289.7333

e-mail. mcghiebetts.com

Established 1991



During Phases 2 and 3 the goal is to recover as much sand and gravel as possible by excavating the sides of the dewatered basin to 1:1 slopes then restoring the slopes required to meet the restoration ordinance with materials hauled in from offsite. To maximize the aggregate and create a safe and stable basin during the cycles between the construction season and the winter the aggregate extraction is planned for two stages which require the maintenance of interim slopes of the basin walls before fill is hauled in and the reclamation takes place. Interim slopes of 3:1 are needed if the required finished slopes cannot be achieved in the fall before the end of Phase 2 or 3.

When the basin is temporarily re-flooded during the winter months two conditions may be present 1) the finished grades as shown in a cross section of the resulting slopes is shown on sheet 3 of 4, Reclamation Plan and Permanent Erosion Control, of the original application, in accordance with the restoration ordinance, or 2) interim slopes of 3:1 or flatter will be maintained during the basin flooding.

During the excavation the first stage after dewatering will maintain slopes of 3:1 extending from near the top at the historic ordinary water table to the total depth. This will create a stable slope configuration while the basin is flooded after Phase 2 and before Phase 3, during the winter of 200-05. The second stage of the excavation will result in temporary slopes of 1:1 in the walls of the pit. These 1:1 slopes would be restored with hauled fill as soon as the total depth is reached. Following shaping of the deeper water slopes of the basin; the remaining slopes will then be formed in accordance with City of Rochester Ordinances. The basin will not be permanently reflooded until all slopes have been formed in accordance with City of Rochester Ordinances.

4. Do all bufferyards satisfy the requirements of the City of Rochester Ordinance?

A revised variance request is attached that outlines the reasoning for not proposing the required bufferyards in some cases. Aside from the variance requests pertaining to the bufferyards all other bufferyards planned at the site would be completed in accordance with the City of Rochester Zoning Ordinances.

5. The ordinance states that hours of operation are to be 7AM to 10PM.

A variance request has been completed to allow for operating hours to be extended to 24 hours a day, 7 days a week. In addition, a change of the application will also be made to allow for the extraction operations to be completed year round. The ability to complete extraction during





times when the weather permits would be more reasonable than defining a specific date that mining could no longer be completed.

6. Temporary lighting in a R-1 zoned area requires a lighting plan in order to exhibit compliance with City of Rochester Ordinances.

Zumbro River Constructors have stated that they would use a maximum of two temporary light plants pointed down towards the operations and away from the surrounding residences during nighttime operations.

7. Data pertaining to the 2-year lake level bounce is not available in the application.

Numerous cross sections are included with the Polaris Group report that is attached that shows the affects a 2-year lake level bounce would have on the operation. Additional elevations for the 5, 10, 50, and 100-year flood events are also shown on the plan map made by Polaris Group.

8. Water appropriation permit applications need to be submitted.

Water Appropriations Permits will not be needed until 2004 and will be submitted at that time. All sand and gravel extraction during the first operating season will be completed without the use of dewatering equipment. We agree that an Appropriations Permit is a condition of mining.

9. The report regarding the ingress and egress of vehicles from the property and the specifics related to the access to the site has not yet been received.

Written approval from the Minnesota Department of Transportation for the use of right-of-way in order to access the property is attached.

10. Do fences currently exist on the property?

No fences currently exist on the property.

11. Maintenance following the reclamation of the property should it be required needs to be addressed.

The Minnesota Department of Natural Resources requires that if the river floods and encroaches upon the reclaimed area that Zumbro River constructors and Mr. William Quick will be responsible for addressing the situation.



12. Signage is required on the reclamation plan.

The property will be posted with no trespassing signs at the corners and along the fence line and river. The gate will be posted as a restricted work zone for authorized personnel only. The flooded basin during the winters of 04-05 and 05-06 will be posted at the shoreline DANGER. At the finish the parcel will be posted no trespassing and basin will be posted no swimming.

13. Fencing needs to be installed around the entire perimeter of the site.

The revised variance request letter that is attached outlines our reasoning for constructing the required fencing only along the northern and western boundaries of the project area.

14. A more complete list of variances is needed.

A revised variance request letter is attached.

15. Will the height of the stockpile exceed ordinance requirements?

The stockpiles will only contain approximately 4,000 cubic yards of material which is approximately one day worth of material that could be hauled from the site. This amount of stockpiled material would not create a pile that would exceed height requirements.

If you have any other questions or concerns regarding the application please call me at (507) 289-3919.

Sincerely,

McGHIE & BETTS ENVIRONMENTAL SERVICES, INC.

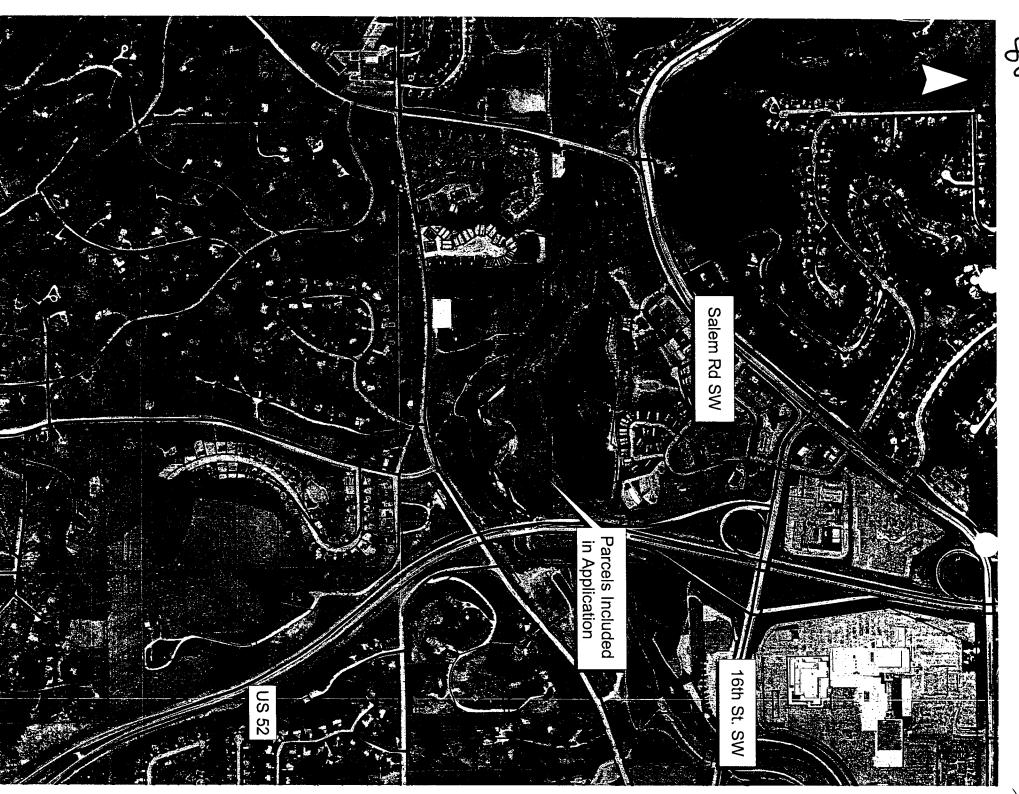
Jeffrey S. Broberg; CPG, REM

Certified Professional Geologist #8184 Registered Environmental Manager #3009

PE for 558

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Properties Included in the Application





Revised Variance Request



Rochester Minnesota

Environmental Site Investigations, Management & Design

Asbestos, Lead, & Other Hazardous Materials

Wetland Delineation & Permitting

Indoor Air Quality

Geological Hazards

UST & Spills

Environmental Assessment Worksheet & Impact Statements

VIC (Voluntary Investigation & Clean Up)

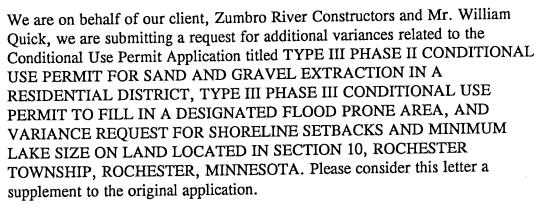
April 28, 2003

Ms. Mitzi Baker Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

RE: Zumbro River Constructors

Rochester Township

Dear Ms. Baker:



If you have any questions or need additional information please contact me.

Very Truly Yours,

McGHIE & BETTS ENVIRONMENTAL SERVICES, INC.

Jeffrey S. Broberg; CPG, REM

Certified Professional Geologist #8184

Registered Environmental Manager #3009

1648 Third Avenue S.E. Rochester, MN 55904

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VARIANCE REQUEST FOR ZUMBRO RIVER CONSTRUCTORS IN PART OF THE SOUTHWEST QUARTER OF SECTION 10, ROCHESTER TOWNSHIP ROCHESTER, MINNESOTA

SUPPLEMENT TO THE APPLICATION FOR VARIANCE

REQUEST

Zumbro River Constructors is proposing to complete sand and gravelk extraction on a portion of Section 10 of Rochester Township. The project is adjacent to Lake George and the south fork of the Zumbro River and would fall under City of Rochester Zoning Ordinance. Four separate variances to the Zoning Ordinance are necessary:

- 1. 62.1006 Shoreland Alterations: Section 1b.2 which regulates the clearing of trees and shrubs. The proposed plan for mining at the site would require the removal of all vegetation outside of the buffer of the Zumbro River. All vegetation that lies within the buffer area will be maintained.
- 2. 62.1108 Standards for Sand and Gravel Excavation: Section 1q which does not allow excavation within 100 feet of a protected water body. Approval of the plan to excavate closer than 100 feet of the Zumbro River has been approved by the Minnesota Department of Natural Resources.
- 3. 62.1108 Standards for Sand and Gravel Excavation: Section 2, part E, subpart 2, that requires minimum size and depth of a water body created by sand and gravel excavation. The ordinance requires a minimum size of 5 acres and depth of 24-30 feet. The proposed water body would be a maximum of 4.6 acres in size and in some areas would not meet the depth requirements. The Minnesota Department of Natural Resources has reviewed the plans for the finished water body and have concluded that water quality would be adequate given the proposed sizing of the resultant water body.
- 4. 62.1108 Standards for Sand and Gravel Excavation: Section 1b which allows the hours of operation to be from 7 AM to 10 PM. Due to the demands created by the US 52 Expansion Project the operating hours at the proposed mining operation would need to be 24 hours a day. Much of the construction of the US 52 Expansion Project will be completed during nighttime hours and the fill produced from this proposed mining operation would be needed.
- 5. 62.1106 Required Plans and Information: Section 4b which requires a 50-foot bufferyard from all property lines and plantings within that bufferyard. The appropriate bufferyards will be maintained with the exception of the areas adjacent to water bodies. These areas have been verbally approved by Mr. Bob Bezek of the MNDNR as



acceptable. The existing vegetation of the bufferyards will be maintained. This existing vegetation will be more than adequate to compensate for the required planting. Photos of the current vegetation at the site is attached.

- 6. 62.1108 Standards for Sand and Gravel Excavation: Section 1, subpart j, requires a 6-foot continuous fence around the project area. We propose to fence only the northern and western boundaries of the project area. We feel that the Zumbro River to the south and US Highway 52 to the east provide an adequate obstacle to potential trespassers and that fencing along the southern and eastern boundaries of the project area is unnecessary.
- 7. 62.1108 Standards for Sand and Gravel Excavation: Section 1, subpart k, requires a 500-foot setback from all properties zoned R-1 and a 750-foot setback from R-1 zoned areas from all stockpiles and loading areas. Due to the distance of the project site from homes and residential areas and the type of landscape that separates these areas we feel the required setbacks are not necessary.

In response to the criteria for granting a variance, as listed in Section 60.417 of the Land Development Manual and Zoning Ordinance, we offer the following findings:

1a: The extraordinary conditions that are unique to this site are its size, proximity to water bodies, and proximity to the ensuing US 52 Expansion Project. The size of the parcel and its shape does not allow it to meet requirements for final water body dimensions, preservation of trees and shrubs in the shoreland area, and the buffers of a protected water body.

Due to the size of the parcels and their irregularity a finished water body could not meet the required size or depth due to adhering to existing ordinances that require specified finished slopes within the finished water body. The size and irregularity of the parcels also does not allow for the preservation of trees and shrubs and compliance with the required 100 foot buffer from a protected water body. In order to optimally mine the resources at the site the 100 foot buffer will need to be reduced and the trees and shrubs that fall within this area will need to be removed.

An extraordinary condition exists at the site in the form of the US 52 Expansion Project. This project will be in the construction phase 24 hours a day and in order to complete this construction, sand and gravel resources will be needed during these hours of operation.



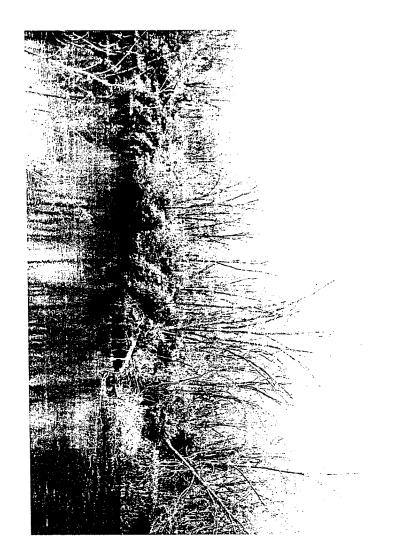
- 1b. The variance is necessary to permit reasonable use of the property as a sand and gravel extraction operation. The proximity of the site to the US 52 Expansion Project and the materials required for completion of the project are reasonable. The established resources at the site and their proximity to the expansion project make this site an exceptionally cost effective resource.
- 1c. The granting of this variance will not be detrimental to the public. The use of this property for sand and gravel extraction will create additional flood storage, reduced cost to the public for sand and gravel resources, recreational amenity, and aesthetics. The use of this property for sand and gravel extraction also will not create detrimental affects such as reduced water quality.
- 1d. The variance is the minimum request necessary to provide reasonable economic use of the site. The site has established sand and gravel resources and its proximity to the US 52 Expansion Project makes sand and gravel extraction a reasonable use of the site.

Photos Of Proposed Lake George II Property

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All photos are taken from the south of the Zumbro River facing north onto the proposed Lake George II property.







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as separate Outlots.

- 5. Prior to platting this property, the applicant shall complete a Wetland Delineation and submit it to the LGU for review and approval. Any applications to drain or fill Wetlands for this development must be submitted to the LGU and acted upon (approved or denied) prior to final plat submittal.
- 6. Development of this property is limited to 1200 adt prior to construction of a second access to serve this development.
- 7. The development will have a parkland dedication requirement of ± 1.8 acres.

 Dedication requirements can likely be met via the dedication of the open space indicated on the western portion of the development. The designs of the ponds will determine whether adequate lands meet the dedication standards following construction of the ponds. In the event that the area indicated "open space" remains private, the parkland dedication requirements will be cash in lieu of land.

Conditional Use Permit(s) #03-11 and Variance(s) #03-07 by Zumbro River Constructors. The applicant is seeking approval to permit excavation of property located south of Lake George, north of the Zumbro River and west of TH 52. Excavation is proposed to provide construction materials for the TH 52 improvement project and would include haul route access directly to TH 52. This property includes approximately 10 acres of land zoned R-1 (Mixed Single Family Residential), which is also in the Flood Districts and Shoreland District. Multiple Conditional Use Permits and Variances will be considered as part of this application.



Ms. Mitzi A. Baker presented the staff report, dated May 8, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker explained that additional information is needed regarding lighting. She explained that McGhie & Betts is aware and is working on gathering that information for staff.

Ms. Baker stated that staff received two letters today from Roy Watson and Tom Murray. These letters were given to the Commissioners prior to the meeting.

Ms. Wiesner asked if the bid was contingent upon approval of the conditional use permit.

Ms. Baker responded that she did not believe so.

Discussion ensued regarding what earth materials could be used for the site.

Mr. Burke asked if there would be any type of monitoring system to make sure no contaminated material is put on the site.

Ms. Baker responded that she was unsure. The only materials that could be dumped there would be earth materials. She suggested that it could be added as a condition upon approval.

Mr. Quinn asked for Ms. Baker to word a recommended condition regarding the materials that can be put on the site.



Page 10

City Planning and Zoning Commission Minutes

Hearing Date: May 14, 2003

Ms. Baker stated that it was the intent that the only materials that could be dumped on site would be earth materials.

Mr. Staver asked what the area would be relative to lake and river regarding the height after reclamation.

Ms. Baker deferred the question to the consultant.

The applicant's representative, Jeff Broberg of McGhie & Betts Environmental Services. He showed and discussed the following:

- 1. aerial of the lake
- 2. Highway 52 reconstruction
- 3. Lake George was originally created due to construction on Highway 52
- 4. financial and material resources needed for the reconstruction
- 5. the site would only be used for materials coming off and on the Highway 52 project
- 6. financial problems with getting the materials form outlying townships and the disruption throughout town getting the trucks to the site carrying the materials
- 7. Zumbro River Constructors is responsible for all conditions
- 8. there are people who live by the lake that have a permitted use on Lake George but do not actually have ownership (they pay a fee for the recreational use of the property)
- 9. restoration and phasing plan
- 10. the project would need approximately 300,000 cubic yards of material for the specific part of the project by the site
- 11. portable construction lighting would be used and explained the lighting standards (they would be 600 feet away from the nearest residence)
- 12. there would be an aquatic benefit of drawing water out of Lake George temporarily
- 13. DNR has indicated their approval of their plan

Discussion ensued regarding the highway project occurring with or without the conditional use permit. 25,000 truckloads would be needed to get materials to the site one way.

Ms. Wiesner asked what the cost saver would be for the public in general.

Ms. Rivas asked if underwater topography maps were available.

Mr. Broberg stated that it hadn't been surveyed.

Discussion ensued regarding phase I.

Discussion ensued regarding vegetation surrounding Lake George.

Ms. Wiesner asked where the applicant was proposing to take the material before applying for the conditional use permit.

Mr. Quinn asked what the worse case scenario would be with regard to traffic and noise.

Mr. Broberg explained that they would occur in spurts. He indicated that the 24-hour operation would mean 10 to 20 trucks per hour. He explained that the noise would diminish as they dig deeper. It would be similar to the sound of road traffic.

Page 11 City Planning and Zoning Commission Minutes Hearing Date: May 14, 2003

Mr. Staver asked if blasting would occur.

Mr. Broberg responded no.

Mr. Ohly questioned the benefit to the public would be after restoration. Also, he asked what the agreement was with the property owner and associations using the site.

Mr. Broberg stated that they did not propose to change the agreement.

Mr. Ohly asked if the excavation of the site would disallow individuals from using that area.

Mr. Broberg responded yes, but did not believe it would break the agreement since it would be temporary.

Mr. Broberg stated that it is their intent that they be consistent with what occurred in Quarry Ridge by using earth materials. He stated that concrete is an earth material. Some of the import material proposed to be used on the site is intended to be clean crushed concrete from the TH 52 project.

Discussion ensued regarding creating another lake versus extending Lake George.

Ms. Connie Polk, of 2004 Southfield Court SW, Rochester MN, addressed the Commission. She stated that the Highway 52 project contract was awarded to the applicant in December 2002 with the inclusion of materials as part of the contract. At the time the contract was approved, the site in question was not a part of the project.

Ms. Polk stated that the engineers and managers did not know the impact to Lake George when asked at the neighborhood meeting in February 2003. They were unaware that there was even a lake involved.

Ms. Polk stated that a condemnation hearing was held on April 24, 2003 on property owned by Mr. Quick. As of 2:30 p.m. today, the issue had not been resolved. However, the City attorney indicated that there should not be a conflict of interest with the condemnation proceeding and the conditional use permit request.

Ms. Polk stated that the lake is low in several areas of the lake, not just one end as indicated by Mr. Broberg.

Ms. Polk handed out a copy of the agreement with Mr. Quick and the 6 associations indicating that they have use of the complete land.

Ms. Polk stated that there are two property owners of Lake George. Green Meadows Home Owner Association and Mr. Quick own the lake. However, Green Meadows Home Owners Association didn't receive any notice from Zumbro River Constructors regarding their intensions.

Ms. Polk stated that she did not think the materials would support the project expansion.

Ms. Polk disagreed with the staff findings listed in the staff report that it is not detrimental to ad affect he scenic quality of Rochester. Also, the findings do not address the potential killing of fish and the stench from such draining.



Page 12

City Planning and Zoning Commission Minutes

Hearing Date: May 14, 2003

Ms. Polk expressed concern with regard to the present wildlife in the area and property values being compromised.

Ms. Polk stated that there are 6 associations in the area (196 homeowners). She expressed concern that Mr. Quick did not address the associations with regard to their proposal. She stated that each homeowner pays \$10.00 a month to use the property.

Mr. Ohly asked if it is her primary concern that the associations are not getting compensated for the use of the property or if it was the quality of life.

Ms. Polk stated that the second property owner should have been part of the negotiations. The right to use the property is part of their abstracts.

Mr. Tom Murray, of 1709 Lakeview Drive SW, Rochester MN, addressed the Commission. He stated that he was present in the original negotiations of the right to use agreement. He discussed the use of lake by those living there. He stated that the lake was formed by removal of sand and gravel for fill for Apache Mall and Highway 52 when it was first upgraded. When he purchased his home, he was under the impression that he was also purchasing a portion of the lake. He explained the agreement with Mr. Quick. He explained that the proposed conditional use permit would remove the amenity that they have had living there and have paid for.

Mr. Murray stated that the lake is not being affected by runoff. What is currently in the lake is a contribution of many geese and stated that it is also spring fed.

Mr. Staver asked staff if the Commission should get a legal interpretation of the legal rights to the property.

Ms. Baker responded that she just heard of the agreement today. She explained that, typically, the City does not get involved with private agreements. However, she would discuss the issue with the City Attorney prior to the City Council meeting.

Ms. Ellie Braun, of 2012 Southfield Court SW, Rochester MN, addressed the Commission. She showed on a map where the lake was no more than 6 feet deep. She stated pointed to an area that the Green Meadows Association owns and not Mr. Quick.

Mr. John Perkins, of 2315 Baihly Lane SW, Rochester MN, addressed the Commission. He stated that he is president of one of the associations (28 homeowners). He stated that he was not notified of the Commission's meeting. He indicated that there is a written agreement with the associations and Mr. Quick. However, it derives it authority from an actual attachment that is in everyone's deed of property indicating that they have use of the lake and the property around it. If the request were approved, it would be taking that property away from those individuals. If that is the case, they need to go through condemnation on 196 deeds to gain the authority to approve the request. He explained that, in his association, there are not many individuals who use the lake, but the land around it.

Mr. Perkins expressed concern of what will happen to the wildlife in the wooded property.

A gentleman living at 2217 Baihly Court SW addressed the Commission. He stated that he has fished Lake George for 17 years and knows the depth to be shallower than represented by Mr.

City Planning and Zoning Commission Minutes

Hearing Date: May 14, 2003

Broberg. He described depths in specific areas of the lake. He indicated that, while charting the lake over the years, it has not been deeper than 24 feet.

Mr. Lee Krautkremer, of 1840 Lakeview Court SW, Rochester MN, addressed the Commission. He stated that the owners of the property and children/grandchildren enjoy the use of the lake and surrounding property. He asked what would happen to the trees and wildflowers. He stated that some people who live there that are retired wouldn't get to enjoy the area again since the restoration takes a very long time. He also expressed concern with the noise level that would occur.

Mr. Gerry Anderson, of 1840 Lakeview Court SE, Rochester MN, addressed the Commission. He stated that Mr. Krautkremer's account of the lake depth is accurate. He expressed concern with the replacement of fish into the lake.

Mr. Broberg gave the Commission a copy of the agreement between Mr. Quick and the associations. He stated that their recreational use could not prohibit the owner's use, as they have a non-exclusive use and it is a private agreement. He indicated that Mr. Quick has consulted with his legal counsel and have found his application request and use appropriate. He indicated that Mr. Quick would be maintaining his property and that there would be no acquisitioning of land. He stated that the applicant would not be opposed to keeping the water level in Lake George the same instead of lowering it.

Mr. Broberg stated that everyone in the community would be suffering from the major reconstruction of Highway 52. He stated that having 25,000 trucks coming through the City would be more detrimental than taking it off a site by the project. He explained that he public benefit would be the operational efficiencies within a controlled project area.

Mr. Broberg stated that the level of disturbance would be 10 acres. He asked that the Commission look at the public benefit and safety for everyone living in Rochester.

Mr. Quinn stated that it sounded as though the neighboring property owners do not want the water drained from Lake George and creating another lake.

Discussion ensued regarding ownership of Lake George and the surrounding property and potential to modify the proposal to eliminate de-watering of Lake George.

Mr. Bill Tointon, of McGhie & Betts, Inc. (1648 Third Avenue SE, Rochester MN), addressed the Commission. He pointed out the legal description of property in the agreement made in 1994 by Mr. Quick and the associations. He stated that the conditional use permit lies within the property of Mr. Quick. He explained that any other claim of ownership is not a dispute that the Commissioners should take action on.

Ms. Baker asked Mr. Broberg that, if the level of the existing Lake George were maintained, would it change the operation of the site. She asked if additional equipment would be needed.

Mr. Broberg responded that they would use the same equipment.

Ms. Rivas asked if Lake George was part of a general development plan.

Ms. Baker responded that she was unsure, but didn't think so. She explained that the townhomes were created as numerous different planned unit developments.





Page 14

City Planning and Zoning Commission Minutes

Hearing Date: May 14, 2003

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Discussion ensued regarding legal claims to the property and adverse affects.

Mr. Haeussinger stated that the agreement between the parties is not the issue, but the negative affects that occur due to the proposed request.

Mr. Burke stated that it would be a temporary inconvenience, if the engineering firm were willing to maintain the level of the existing Lake George. He stated that the Commission needed to weight the inconveniences with the assets long term.

Ms. Wiesner expressed concern with taking enough material from Lake George and how it would retain water in the future.

Ms. Rivas moved to recommend denial of Conditional Use Permit(s) # 03-11 since it did not meet specific criteria for issuance of a conditional use permit per Section 62.1102. Specifically, the application does not meet Criteria #5, #7, #8, and #10. The Commission drew the following conclusions with regard to the criteria:

- 5. The proposed use would adversely affect the scenic quality of Rochester or the natural landscapes, environment, wildlife and wildlife habitat.
- 7. The activity will affect the use and enjoyment of adjacent properties.
- 8. The site plan does not provide for adequate buffers and screening year-round from unsightly features of the excavation operation.
- The excavation activity may result in negative impacts on drainage patterns that have not yet been determined.

Mr. Haeussinger seconded the motion.

Discussion ensued regarding action taken on the variance request.

Ms. Rivas amended her original motion to include the denial of Variance(s) #03-07 by Zumbro River Constructors based on the failure to meet criteria for the Conditional Use Permit. Additionally, the application did not meet the criteria for a Variance.

The amendment carried 8-0.

The original motion, including the amendment, carried 6-2, with Mr. Quinn and Mr. Burke voting nay.

Ms. Baker explained that the Conditional Use Request would be considered by the City Council. Also, the applicant could apply for an Appeal for the Variance Request.

The Commission took a break.

105

REQUEST FOR COUNCIL ACTION		MEETING
	DATE: 6-2-03	
AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	PLANNING	F-2
ITEM DESCRIPTION: Land Use Plan Amendment Petition and Allen Koenig to amend the Land Use Plan designatio to "Industrial" on approximately 33.48 acres of land. The west side of TH 63, east of East River Road NE and north	PREPARED BY: Brent Svenby, Planner	

May 27, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on May 14, 2003 to consider the Land Use Plan Amendment request for the property. The Commission also reviewed a Zone Change Petition and GDP for the property.

Mr. Ken Boyer, of Civil Engineering Services Company, addressed the Commission and explained the applications submitted by the applicant.

The Commission discussed whether the area proposed to be designated "Industrial" is appropriate based on the criteria as included in the staff report. The Commission is recommending approval, with the following findings.

Mr. Haeussinger made a motion to recommend approval of Land Use Plan Amendment #03-04 by Morris Memorial LLC and Allen Koenig based on staff findings. Mr. Quinn seconded the motion. The motion carried 8-0.

- a) The property has fairly level terrain. An existing waterway dissects the property and drains water to the northwest corner of the property.
- b) The property has direct access to TH 63, which is classified as an Expressway on the ROCOG Thoroughfare Plan. Eventually the property will have access to East River Road, which is classified as a collector road on the ROCOG Thoroughfare Plan and is identified as a future connection between 37th Street and 55th Street. Currently, East River Road NE is not constructed to a collector roadway standard, but it is anticipated that it will be in the future.
- c) The property consists of approximately 33 acres, which is adequate area for the expansion of industrial uses. Commercial and industrial uses exist on the properties to the north and south. The applicant owns the vacant land to the west which is already zoned mixed commercial/industrial which would allow adequate land to develop a commercial/industrial park.

The Land Use Plan refers to "industrial" designation as an area intended primarily for manufacturing, transportation related facilities, communication related facilities, privately owned utilities, warehousing and outside storage of materials and equipment and uses of similar character. Industrial uses are characterized by relatively high levels of truck traffic and noise.

d) Sanitary sewer and water do not abut the property. These utilities would need to be extended to serve the development. The Main Level Water System is available to serve this property and is located approximately 300 feet to the south. This water system will need to be extended to the property as well as to the adjacent properties as required by Rochester Public Utilities. The applicant will need to coordinate with the utility agencies the extension of utilities to the property.

Planning	Staff	Recommen	dation:

See attached staff report dated May 8, 2003

COUNCIL ACTION:	Motion by:	Seconded by:	to:	<u> </u>
				

Page 2 RCA May 27, 2003

Council Action Needed:

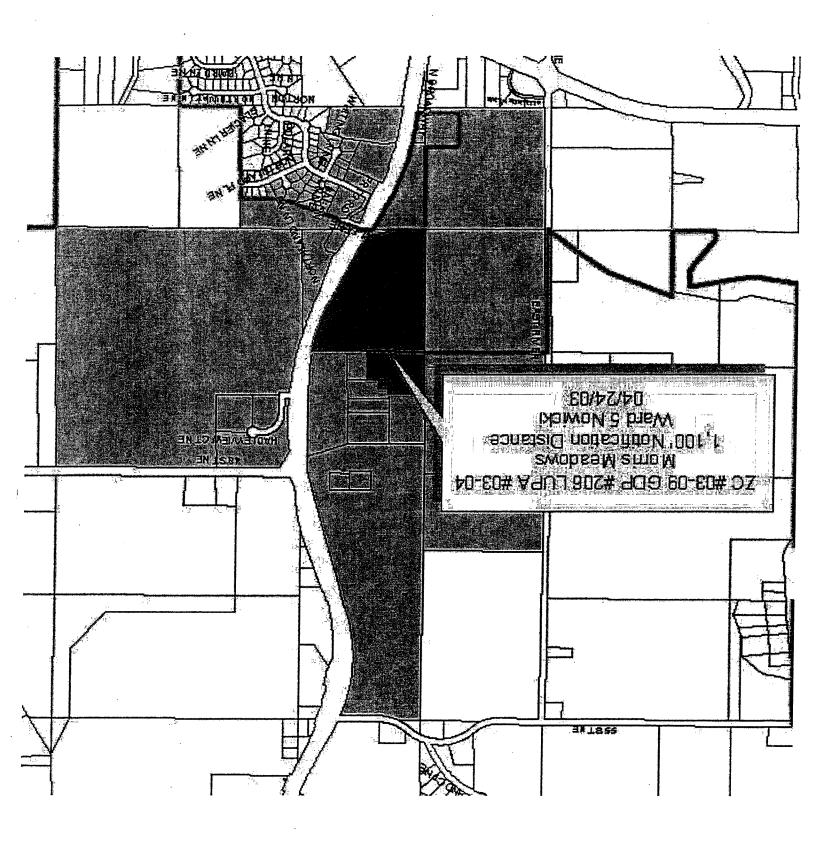
- 1. The Council may approve or deny this petition. The Council's decision must be supported by findings based on the criteria listed in the Land Use Plan (as included in the staff report).
- 2. If the Council wishes to proceed with the land use plan amendment as petitioned, it should instruct the City Attorney to prepare a resolution supported by findings of fact and conclusions of law.

Attachments:

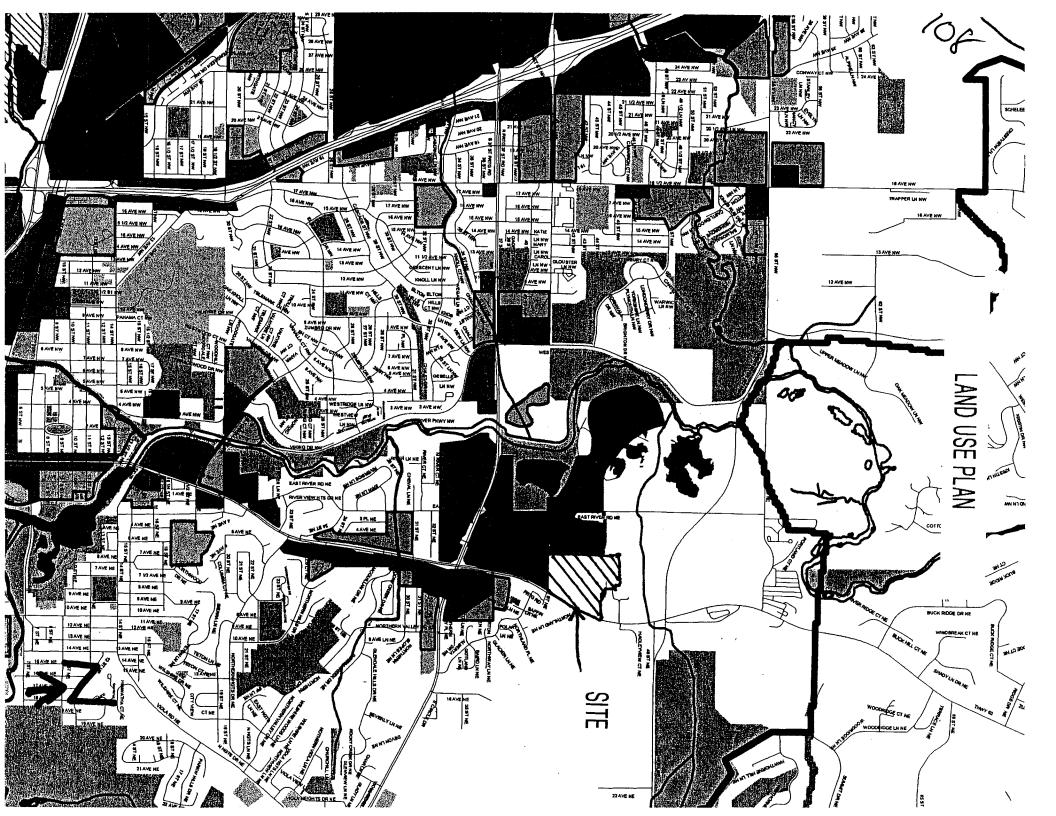
- 1. Staff Report dated May 8, 2003
- 2. Minutes of the May 14, 2003 CPZC Meeting

Distribution:

- 1. City Clerk
- 2. City Administrator
- 3. City Attorney: Legal Description attached
- 3. Planning Department File
- 5. Applicant: This item will be considered some time after 7:00 p.m. on Monday, June 2, 2003 in the Council / Board Chamber at the Rochester Olmsted Government Center Building
- 6. Civil Engineering Services Company



loj



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

City Planning and Zoning Commission

FROM:

Brent Svenby, Planner

DATE:

May 8, 2003

RE:

Land Use Plan Amendment #03-04 by Morris Memorial LLC and Allen Koenig to amend the Land Use Plan designation for approximately 33.48 acres of land from "low density residential" to "Industrial" designation. The property is located along the west side of TH 63, east of East River

Road NE and north of 41st Street NE.

Planning Department Review:

Property Owner:

Morris Memorial LLC

3775 Willow Ridge Drive SW

Rochester, MN 55902

Allen Koenig PO Box 6122

Rochester, MN 55903

Consultant:

Civil Engineering Services Co.

Attn: Ken Boyer 5300 Hwy 63 South Rochester, MN 55904

Location of Property:

The property is located along the west side of TH 63, east of East River Road NE and north of 41st Street

NE.

Requested Action:

The applicant requests to amend the Rochester Urban Service Area Land Use Plan to designate approximately 33.48 acres of land for "industrial" uses. The property is currently designated for "low density residential" uses. A Zoning District Amendment and General Development Plan are being considered concurrent with this application.

Existing Land Use:

The majority of the property is currently vacant.

Midwest Transportation is located on approximately 5

acres of the site.

Proposed Land Use:

The applicant has also filed a Zone Change petition and a General Development Plan that are being considered concurrent with this application. The

proposed GDP identifies the property being

developed with a mixture of commercial and industrial





Page 2 LUPA 03-04 Morris Memorial May 8, 2003

uses.

Adjacent Land Use and Zoning:

East: Across TH 63 is vacant land in Olmsted County which is zoned A-3 (Agricultural) on the Olmsted County Zoning Map. The property is designated for "low density residential" uses on the Land Use Plan.

South: The property to the south is in Olmsted County and is zoned I (Industrial) on the Olmsted County Zoning Map. The property is designated for "Industrial" uses on the Land Use Plan.

North: The property to the north is located in Olmsted County. This property is zoned Industrial and there is a number of different industrial uses found to the north. The property is designated for "low density residential" uses on the Land Use Plan.

West: The property to the west is vacant land in the City of Rochester and is zoned M-1 (Mixed Commercial – Industrial) on the City of Rochester Zoning Map. The property is designated for "industrial" uses on the Land Use Plan

Transportation Access:

The plan proposes public roadways within the development. The plan also provides access to the properties located to the north and south. A conceptual roadway layout for the property to the west is shown on the GDP to show how the roadway pattern through the development will function. In 2001 the applicant submitted a GDP on the property to the west (adjacent to East River Road). The GDP identified the property as being developed as a manufactured home park. The applicant withdrew the application prior to the City Council taking action on the proposal.

See GDP report for more information on traffic.

Wetlands:

According to the Olmsted County Soil Survey, no hydric soils exist on the site.

Neighborhood Meeting:

A neighborhood meeting was held on September 10, 2002. A summary of the meeting is attached.

Referral Comments:

See GDP Report

Report Attachments:

- 1. Location Map
- 2. Land Use Plan Map
- 3. Referral Comments see GDP Report
- 4. Neighborhood Meeting Summary

Analysis:

Page 3 LUPA 03-04 Morris Memorial May 8, 2003 IIJ

The Rochester Urban Service Area Land Use Plan identifies location criteria for "Industrial" types of uses as follows:

- a) Having level terrain (less than 5% slope).
- b) Having excellent access to transportation facilities, including direct access to a freeway, expressway, or arterial. Access to either rail or air transportation is also desirable.
- c) Having adequate area available for industrial expansion, providing adequate space for buffer areas, where needed, to protect adjacent residential use designations.
- d) Served by utilities and pubic facilities.

Staff Suggested Findings:

- a) The property has fairly level terrain. An existing waterway dissects the property and drains water to the northwest corner of the property.
- b) The property has direct access to TH 63 which is classified as an Expressway on the ROCOG Thoroughfare Plan. Eventually the property will have access to East River Road, which is classified as a collector road on the ROCOG Thoroughfare Plan and is identified as a future connection between 37th Street and 55th Street. Currently, East River Road NE is not constructed to a collector roadway standard, but it is anticipated that it will be in the future.
- c) The property consists of approximately 33 acres, which is adequate area for the expansion of industrial uses. Commercial and industrial uses exist on the properties to the north and south. The applicant owns the vacant land to the west which is already zoned mixed commercial/industrial which would allow adequate land to develop a commercial/industrial park.
 - The Land Use Plan refers to "industrial" designation as an area intended primarily for manufacturing, transportation related facilities, communication related facilities, privately owned utilities, warehousing and outside storage of materials and equipment and uses of similar character. Industrial uses are characterized by relatively high levels of truck traffic and noise.
- d) Sanitary sewer and water do not abut the property. These utilities would need to be extended to serve the development. The Main Level Water System is available to serve this property and is located approximately 300 feet to the south. This water system will need to be extended to the property as well as to the adjacent properties as required by Rochester Public Utilities. The applicant will need to coordinate with the utility agencies the extension of utilities to the property.

Staff Recommendation:

The ability to consider the Zone Change, Land Use Plan Amendment and General Development Plan concurrently allows the City to consider this development proposal as a package. Based upon the accompanying General Development Plan for this site and the findings above, Staff suggested findings do support amending the Land Use Plan.

1/8

CIVIL ENGINEERING SERVICES COMPANY

5300 HIGHWAY 63 SOUTH ROCHESTER, MINNESOTA 55904 (507) 282-3776

RECORD OF NEIGHBORHOOD INFORMATIONAL MEETING

Location:

Evangel United Methodist Church

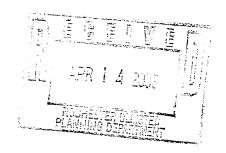
Date/Time:

Tuesday, September 10, 2002 at 7:00 p.m.

The meeting was attended by three people: Ken Boyer (Owner's engineer), and Mr. and Mrs. Al Bruggenthies (Owners of Al's Marine and RV). Mr. Boyer explained the purpose of the meeting and explained the proposed project. He advised that the Owner's would be petitioning for a zone change and a change to the Land Use Plan. General discussion of the proposed development followed. There were no objections expressed to the proposed development.

The meeting ended at 7:15 p.m.

Kerneth Bover, P.E.



Page 4
City Planning and Zoning Commission Minutes
Hearing Date: May 14, 2003

X

Land Use Plan Amendment Petition #03-04 and Zoning District Amendment #03-09 by Morris Memorial LLC and Allen Koenig to amend the Land Use Plan designation from "Low Density Residential" to "Industrial" and the zoning from I (Interim) to the M-1 (Mixed Commercial-Industrial) district on approximately 33.48 acres of land. The property is located along the west side of TH 63, east of East River Road NE and north of 41st Street NE.

AND

General Development Plan #206 to be known as Morris Meadows by Morris Memorial LLC and Allen Koenig. The applicant is proposing to develop the property with commercial and industrial uses. The plan also identifies future roadway patterns on the property to west and storm water detention facilities. The property is located along the west side of TH 63, east of East River Road NE and north of 41st Street NE.

Ms. Mitzi A. Baker presented the staff reports, dated May 8, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Ms. Baker clarified the amount of acreage involved in the general development plan proposal.

Ms. Baker suggested revising condition number 3 listed in the staff report for the general development plan to state: "The extension of public sewer and water to serve the property shall be coordinated with the Public Works Department. Development must be phased to provide adequate public facilities concurrent with development of the property."

Mr. Staver asked what the timing would be for the stoplight proposed at TH 63 and 41st Street NE.

Ms. Baker responded that she was unaware of the timing.

The applicant's representative Ken Boyer, of Civil Engineering Services Company (5300 Highway 63 South, Rochester MN), addressed the Commission. He explained that the applicant applied for some residential uses a year ago on the west part of the property. However, the City Council disagreed with the zoning. Therefore, they are surrounded by the M-1 zoning district.

Mr. Boyer stated that he wanted the opportunity to work with staff on the location of the halfblock of street on the north portion of the plat. He indicated that MnDOT made comments regarding controlled access on Highway 63; however, he will work out the details with them.

Mr. Haeussinger asked if the applicant agreed with the staff recommendations.

Mr. Boyer responded yes.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Haeussinger moved to recommend approval of Land Use Plan Amendment Petition #03-04 by Morris Memorial LLC and Allen Koenig with the staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 8-0.

Mr. Haeussinger moved to recommend approval of Zoning District Amendment #03-09 by

Hearing Date: May 14, 2003

Morris Memorial LLC and Allen Koenig with staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 8-0.

Mr. Haeussinger moved to recommend approval of General Development Plan #206 to be known as Morris Meadows by Morris Memorial LLC and Allen Koenig with the staff-recommended findings and conditions (as revised by Ms. Baker). Mr. Quinn seconded the motion. The motion carried 8-0.

CONDITIONS:

- 1. The property shall be platted. Prior to the submittal of a final plat, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, the extension of public utilities, dedication of off site easements, transportation improvement district (TID) charges, stormwater management, traffic improvements including turn-lanes, proportionate share of the cost for a future signal at the intersection of TH 63 and 41st Street NE and the necessary improvements to East River Road and 37th St. NE, pedestrian facilities, right-of-way dedication and applicable charges/contributions for public infrastructure.
- 2. Stormwater Management must be provided for the development. Stormwater detention is proposed on the abutting property to the west currently owned by the applicant. An ownership and maintenance declaration will be required for the storm water facility outlot, if it serves less 50 acres. A Voluntary Storm Water Management fee will apply to any areas, when graded, are not served by privately constructed on-site detention facilities. The applicant maybe required to dedicate off site drainage easements to accommodate the proposed relocated drainage way.
- 3. The extension of public sewer and water to serve the property shall be coordinated with the Public Works Development. Development must be phased to provide adequate public facilities concurrent with development of the property
- 4. At the time of platting controlled access shall be dedicated along the entire frontage of TH 63 with the exception of the 41st Street NE intersection. Controlled access shall also be dedicated along the south frontage of Lot 8, Block 1 for a distance of 250 feet west from the right of way line of TH 63 and along the north/east side of Lot 1, Block 2 for a distance of 250 feet west from the right of way line for TH 63.
- 5. The GDP shall be revised to show the extension of 41st Street NE to be perpendicular to TH 63 and align directly across from 41st Street NE on the east side of TH 63.
- 6. This GDP shows conceptually how the property to the west can be developed. Prior to the any development taking place on that property a GDP will need to be filed for it or this GDP will need to be amended to include the property.
- 7. On the 41st St eastbound approach to TH 63, adequate roadway width should be provided to allow for two eastbound lanes, one to exclusively handle the east to south right turn movement which is expected to be the heavy traffic movement at the intersection, and the second to handle the thru and left turn movements. Lane widths should be adequate to handle large truck traffic.

City Planning and Zoning Commission Minutes

Hearing Date: May 14, 2003

8. The applicant shall obtain an access permit from MnDOT for access to TH 63.

General Development Plan #207 by By Us LLC to be known as Pinewood Ridge. The Applicant is proposing to develop approximately 63 acres of land with single family dwellings. The property is proposed to be served by public roads and provides connections to adjacent properties. The property is located south of Pinewood Road SE and wast of 30th Avenue SE with single family homes.

Ms. Mitzi A Baker presented the staff report, dated May 9, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that the access location to property to the east needed to be reviewed and that an outlot for a pedestrian connection needs to be provided to the park/pond area.

Mr. Quinn stated that Rinewood Road SE is not in the 6 year CIP. He asked when it could be included. He also asked about limiting the development until a second access is provided.

Ms. Baker responded that the limiting of development until a second access is provided is a requirement of the Ordinance. Therefore, it didn't technically need to be a condition.

Ms. Baker explained the Water Quality Protection Program.

Ms. Baker stated that she was unsure of the timing to improve Pinewood Road SE since it is not in the 6 year CIP.

Mr. Quinn asked if the development would be affected by not having Pinewood Road SE in the 6 year CIP.

Ms. Baker responded that it could and that the city would need to monitor traffic volumes and development along Pinewood Road SE.

The applicant's representative, Wade DuMond of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN), addressed the Commission. He stated that the most recent plan showed 75 homes. Therefore, they should be below the trip threshold. He indicated that the applicant did not have any objections to the staff-recommended conditions.

Ms. Rivas asked why the local street on the south side would be widened.

Mr. DuMond responded that there would be medians in the roadway

Ms. Rivas asked if the wetland on the east side would be retained.

Mr. DuMond responded that he was unsure as to the quality of those wetlands. He stated that they are currently being delineated.

Mr. Jonathan Hoyne, of 2824 Pinewood Road SE, Rochester MN, addressed the Commission. He asked how far from his property line the sidewalk would be located. He also asked about the size of the lake (pond), what type of parkland there would be, and how large it would be. He

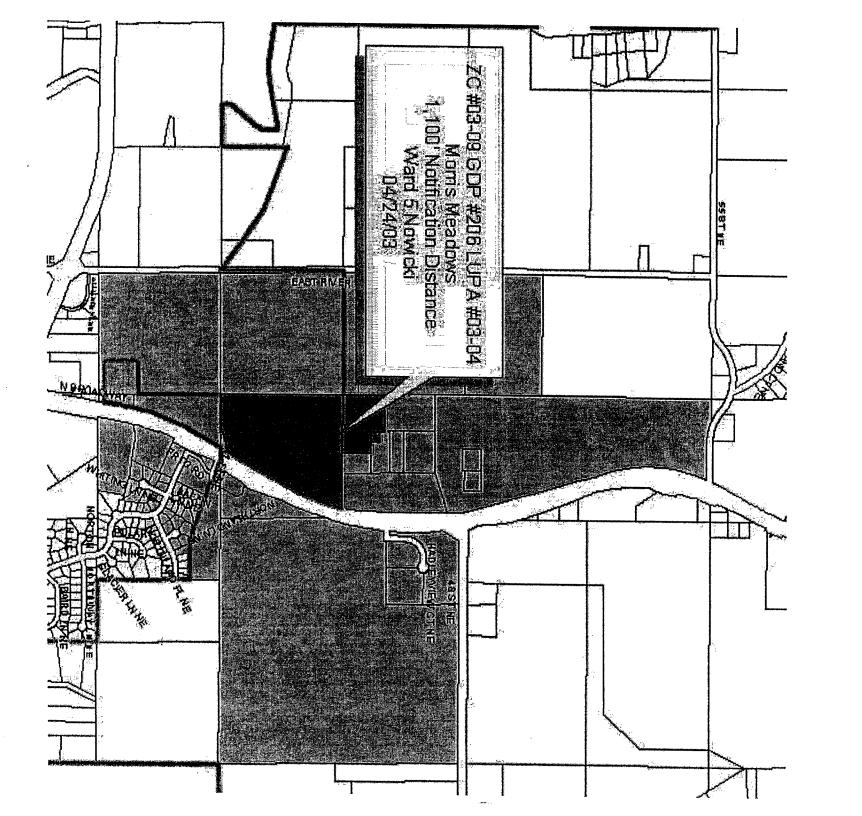


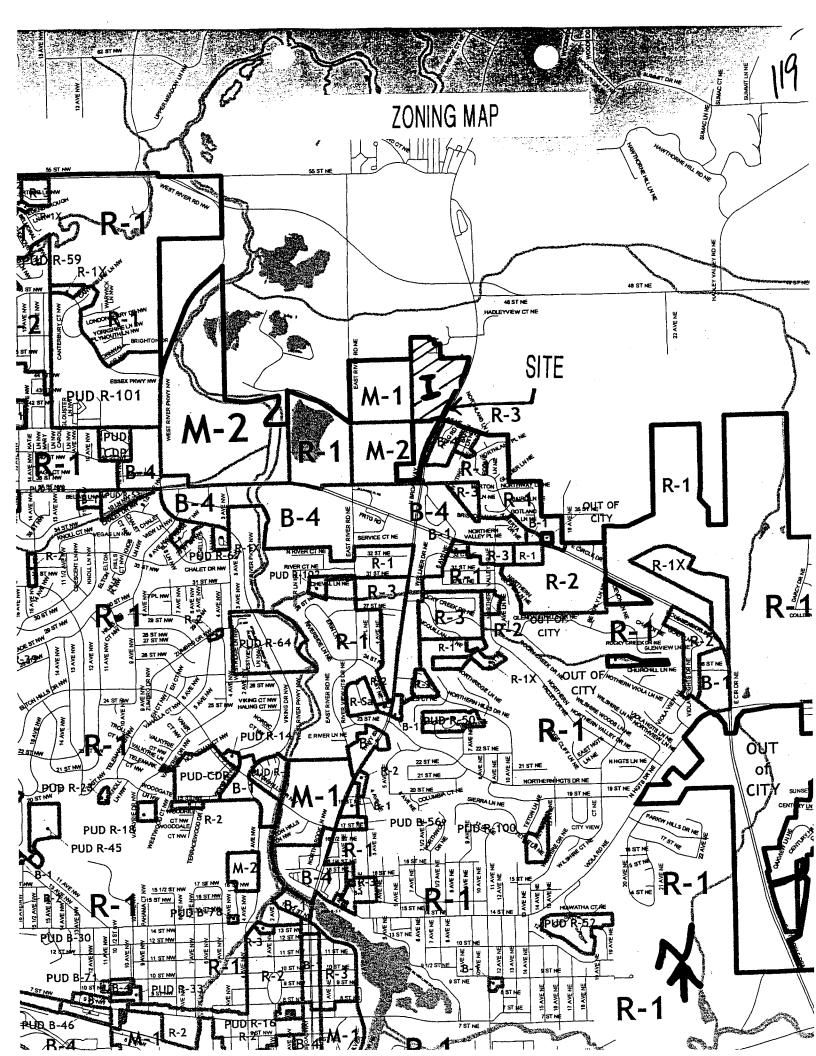
REQUEST FOR COUNCIL ACTION

MEETING

ATF: 6-2-03

·			DATE: 6-2 <u>-03</u>
AGENDA SECTION:	OR	IGINATING DEPT:	ITEM NO.
PUBLIC HEAL	RINGS	PLANNING	E-3
,			
ITEM DESCRIPTION: Zoning Di			PREPARED BY:
Koenig to rezone approximately Commercial-Industrial) zoning d			Brent Svenby, Planner
63, east of East River Road NE a	and north of 41 st Street NE.	d along the west side of Th	Planner
May 27, 2003	PEC minutes from pre	wious lund howing.	
City Planning and Zoning Comm	nission Recommendation:		
The City Planning and Zoning Com Commission also reviewed a Land			one change. The
The Commission reviewed the zor Approval, with staff suggested find		e criteria as included in the staff	report and recommended
Motion by Mr. Haeussinger, 09, with staff-recommended	seconded by Mr. Quinn to red findings. Motion carried 8-0.	commend approval of Zoning	District Amendment #03
Planning Staff Recommendation	<u>:</u>		
See attached staff report dated Ma	v 8 - 2003		
See allached stail report dated Ma	y 0, 2003.		
Council Action Needed	<u>:</u>		
The Council should direct th on this zone change.	e City Attorney to prepare	findings of fact reflecting	the Councils decision
If the Council approves this a ordinance that can be adopte for the property	zone change as petitioned, ed supported by findings of	it should instruct the City A fact and conclusions of lav	Attorney to prepare and to amend the Zoning
Attachments:			
1. Staff Report dated May 8, 2003	BPZC Meeting (attached to LUPA	RCA)	
2. Minutes of the May 14, 2003 C	PZO Meeting (attached to EOF A	ПОЛ	
Distribution:			
1. City Clerk			
2. City Administrator	n attached to LLIDA		
 City Attorney: Legal Description Planning Department File 	n allached to LUPA		
5. Applicant: This item will be o	considered sometime after 7:00	p.m. on Monday, June 2, 2003	in the Council/Board
Chambers at the Government C 6. Civil Engineering Services Co.	Jenter, 151 4th Street SE.		
COUNCIL ACTION:			
Motion By:	Seconded By:	Ac	tion:







ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

City Planning and Zoning Commission

FROM:

Brent Svenby, Planner

DATE:

May 8, 2003

RE:

Zoning District Amendment # 03-09 by Morris Memorial LLC and Allen Koening to rezone approximately 33.48 acres from the I (Interim) district to the M-1 (Mixed Commercial-Industrial) District. The property is located along the west side of TH 63, east of East River Road NE and

north of 41st Street NE.

Planning Department Review:

Property Owner/Petitioner:

Morris Memorial LLC

3775 Willow Ridge Drive SW

Rochester, MN 55902

Allen Koenig PO Box 6122

Rochester, MN 55903

Consultant:

Civil Engineering Services Co.

Attn: Ken Boyer 5300 Hwy 63 South Rochester, MN 55904

Location of Property:

The property is located along the west side of TH 63, east of East River Road NE and north of 41st Street

NE.

Requested Action:

The applicant is requesting to zone approximately 33.48 acres of land to the M-1 Mixed Commercial-Industrial) district. This property was recently annexed into the City and upon annexation the City placed the property in the Interim zoning district.

Existing Land Use:

The majority of the property is currently undeveloped. Midwest Transportation is located on approximately 5

acres of the site.

Proposed Land Use:

The applicant has also filed a Land Use Plan amendment and a General Development Plan that are being considered concurrent with this application. The proposed GDP identifies the property eventually being developed with mixture of commercial and

industrial uses.



Page 2 ZC #03-09 Morris Memorial May 8, 2003 121

Adjacent Land Use and Zoning:

East: Across TH 63 is vacant land in Olmsted County which is zoned A-3 (Agricultural) on the Olmsted County Zoning Map. The property is designated for "low density residential" uses on the Land Use Plan.

South: The property to the south is in Olmsted County and is zoned I (Industrial) on the Olmsted County Zoning Map. The property is designated for "Industrial" uses on the Land Use Plan.

North: The property to the north is located in Olmsted County. This property is zoned Industrial and there is a number of different industrial uses found to the north. The property is designated for "low density residential" uses on the Land Use Plan.

West: The property to the west is vacant land in the City of Rochester and is zoned M-1 (Mixed Commercial – Industrial) on the City of Rochester Zoning Map. The property is designated for "industrial" uses on the Land Use Plan.

Transportation Access:

The plan proposes public roadways within the development. The plan also provides access to the properties located to the north and south. A conceptual roadway layout for the property to the west is shown on the GDP to show how the roadway pattern through the development will function. In 2001 the applicant submitted a GDP on the property to the west (adjacent to East River Road). The GDP identified the property as being developed as a manufactured home park. The applicant withdrew the application prior to the City Council taking action on the proposal.

See GDP report for more information on traffic.

Wetlands:

According to the Olmsted County Soil Survey, no hydric soils exist on the site.

Neighborhood Meeting:

A neighborhood meeting was held on September 10, 2002. A summary of the meeting is attached.

Referral Comments:

See GDP Report

Report Attachments:

- 1. Location Map
- 2. Area Zoning Map
- 3. Referral Comments see GDP
- 4. Neighborhood Meeting Summary see LUPA report

Analysis for Zoning District Amendment:



Page 3 ZC #03-09 Morris Memorial May 8, 2003

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
 - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
 - b) The area was originally zoned erroneously due to a technical or administrative error;
 - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
 - d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

The Rochester Urban Service Area Land Use Plan designates this property as appropriate for "low density residential" types of uses. A Land Use Plan amendment is being considered concurrent with this application. If the Land Use Plan amendment from "low density residential" to "industrial" is approved, zoning 33.48 acres of land to M-1 (Mixed Commercial - Industrial) would be consistent with the "industrial" land use designation.

The Land Use Plan refers to "industrial" designation as an area intended primarily for manufacturing, transportation related facilities, communication related facilities, privately owned utilities, warehousing and outside storage of materials and equipment and uses of similar character. Industrial uses are characterized by relatively high levels of truck traffic and noise. The properties to the north and south already have commercial and industrial uses established on them.

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:
 - a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and
 - Uses within the M-1 Zoning District would be appropriate on the property and compatible with adjacent properties, the properties to the south, north and west are all used for industrial uses. According to the City of Rochester Zoning Ordinance, the M-1 zoning district provides an area for a mixture of commercial uses and industrial uses which do not generate significant adverse impacts.
 - b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

Page 4 ZC #03-09 Morris Memorial May 8, 2003

The amendment to the M-1 zoning district would be consistent with the Rochester Urban Service Area Land Use Plan, if the Land Use Plan Amendment which is being considered concurrently is approved, and would not be considered spot zoning.

Staff Recommendation:

Based on the above findings, it would appear that the zoning district amendment to M-1 would meet the above criteria. Staff recommends that the request to zone the property from the I (Interim) district to the M-1 (Mixed Commercial – Industrial district be approved, based on the above suggested findings.



REQUEST FOR COUNCIL ACTION

MEETING

DATE: 6-2-03

125

AGENDA SECTION: PUBLIC HEARINGS ORIGINATING DEPT: PLANNING ITEM DESCRIPTION: General Development Plan #206 to be known as Morris Meadows by Morris Memorial LLC and Allen Koenig. The applicant is proposing to develop the property with commercial and industrial uses. The plan also identifies future roadway patterns on the property to the west and storm water detention facilities. The property is located along the west side of TH 63, east of East River Road NE and north of 41 st Street NE.			DAIL: 0 2 03
Morris Memorial LLC and Allen Koenig. The applicant is proposing to develop the property with commercial and industrial uses. The plan also identifies future roadway patterns on the property to the west and storm water detention facilities. The property is located along the west side of TH 63, east of East River Road NE and north of 41 st Street			E-4
	Morris Memorial LLC and Allen Koenig. The application property with commercial and industrial uses. The patterns on the property to the west and storm water located along the west side of TH 63, east of East R	Brent Svenby,	

May 27, 2003

NOTE See CPEC minutes from previous LUPA hearing and also note letter from adjacent property owner.

City Planning and Zoning Commission Recommendation:

On May 14, 2003 the City Planning and Zoning Commission reviewed this General Development Plan. The Commission also reviewed a Land Use Plan Amendment and zone change for the property

The Commission reviewed this proposal according to the criteria listed in Paragraph 61.215 of the Zoning Ordinance and Land Development Manual.

Mr. Haeussinger made a motion to recommend approval of General Development Plan #206 to be known as Morris Meadows based on staff-recommended findings and conditions. Mr. Quinn seconded the motion. The motion carried 8-0.

Conditions:

- 1. The property shall be platted. Prior to the submittal of a final plat, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, the extension of public utilities, dedication of off site easements, transportation improvement district (TID) charges, stormwater management, traffic improvements including turn-lanes, proportionate share of the cost for a future signal at the intersection of TH 63 and 41st Street NE and the necessary improvements to East River Road and 37th St. NE, pedestrian facilities, right-of-way dedication and applicable charges/contributions for public infrastructure.
- 2. Stormwater Management must be provided for the development. Stormwater detention is proposed on the abutting property to the west currently owned by the applicant. An ownership and maintenance declaration will be required for the storm water facility outlot, if it serves less 50 acres. A Voluntary Storm Water Management fee will apply to any areas, when graded, are not served by privately constructed on-site detention facilities. The applicant maybe required to dedicate off site drainage easements to accommodate the proposed relocated drainage way.
- 3. The extension of public sewer and water to serve the property shall be coordinated with the Public Works Development. Development must be phased to provided adequate public facilities concurrent with development of the property.
- 4. At the time of platting controlled access shall be dedicated along the entire frontage of TH 63 with the exception of the 41st Street NE intersection. Controlled access shall also be dedicated along the south frontage of Lot 8, Block 1 for a distance of 250 feet west from the right of way line of TH 63 and along the north/east side of Lot 1, Block 2 for a distance of 250 feet west from the right of way line for TH 63.
- 5. The GDP shall be revised to show the extension of 41st Street NE to be perpendicular to TH 63 and align directly across from 41st Street NE on the east side of TH 63.
- 6. This GDP shows conceptually how the property to the west can be developed. Prior to the any development taking place on that property a GDP will need to be filed for it or this GDP will need to be amended to include the property.

COUNCIL ACTION:	Motion by:	Second by:	to:	



- 7. On the 41st St eastbound approach to TH 63, adequate roadway width should be provided to allow for two eastbound lanes, one to exclusively handle the east to south right turn movement which is expected to be the heavy traffic movement at the intersection, and the second to handle the thru and left turn movements. Lane widths should be adequate to handle large truck traffic.
- 8. The applicant shall obtain an access permit from MnDOT for access to TH 63.

Planning Staff Recommendation:

See attached staff report dated May 8, 2003.

Council Action Needed:

- 1. The Council may approve, approve with conditions, or deny the general development plan. The Council must make findings based on the criteria listed in Paragraph 61.215.
- 2. If the Council wishes to proceed with the general development plan as proposed, it should instruct the City Attorney to prepare a resolution for Council approval.

Attachments:

- 1. Staff Report dated May 8, 2003
- 2. Minutes of the May 14, 2003 CPZC Meeting (attached to LUPA RCA)

Distribution:

- 1. City Administrator
- 2. City Attorney
- 3. Planning Department File
- 4. Applicant: This item will be considered some time after 7:00 p.m. on Monday, June 2, 2003 in the Council/Board Chambers in the Government Center at 151 4th Street SE.
- 5. Civil Engineering Services Co.

May 29, 2003

Honorable Mayor and Common Council City of Rochester c/o Mr. Stevan Kvenvold, City Administrator 201 4th Street SE Rochester MN 55904

Re: General Development Plan #206 known as Morris Meadows

Dear Mayor and Members of the Council:

I am writing to express my concern regarding the layout of General Development Plan #206 as currently proposed by the Morris Memorial, LLC., and Allen Koenig on the property located along the west side of US 63 North near 41st Street NE. I am the property owner immediately to the south of the Morris property and currently share access rights to US 63 with the Morris property.

My son, Gary Leitzen, has been meeting and discussing development of the Morris property with Mr. Lowell Penz, Mr. Richard Freese, and other City officials over the last several months. The last plan Gary reviewed was presented at a meeting at Public Works in February of this year. The plan currently proposed, and as I understand the Council will consider on Monday, June 2, 2003, differs considerably with respect to the location of the public road access to US 63.

As I recall the Minnesota Department of Transportation provided me with certain access rights at the time they purchased a parcel of land from the Morris property and my property. This purchase is shown on the proposed plan. This plan would not be in compliance with the agreement with the State of Minnesota.

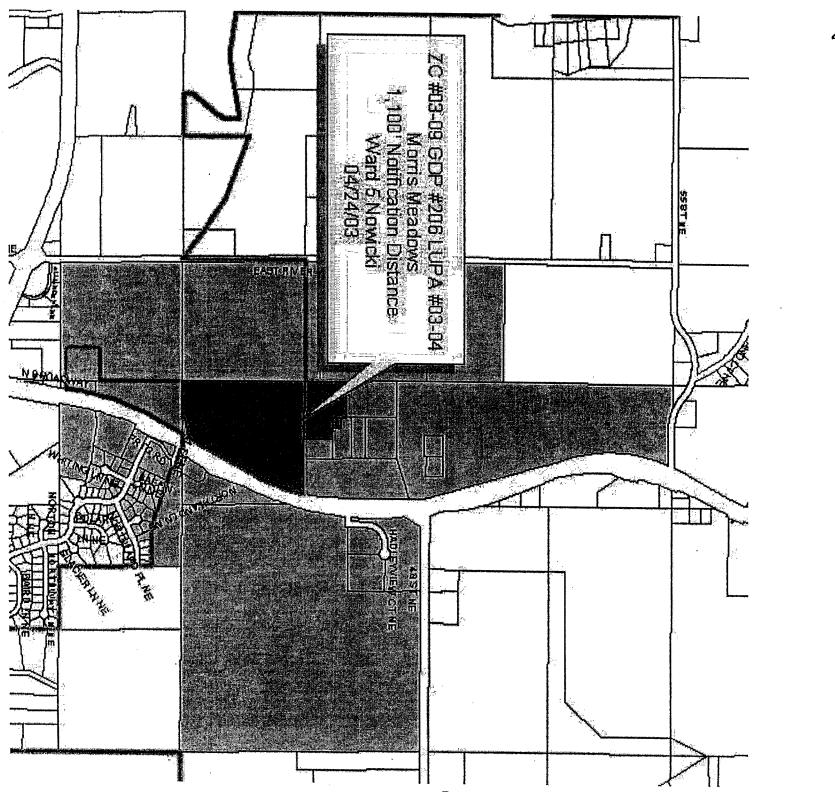
Although I am not generally opposed to the project proposed I am concerned about the rights of access through the State and respectfully request that the Council table this application until their first meeting in July to allow Gary to investigate the access issue more thoroughly and meet with the City and the applicant before it would be heard by the Council in July. Gary will be out of town for the June 2nd meeting. He was not available to attend the Planning and Zoning Commission meeting when the General Development Plan was considered so he did not have any opportunity to speak on the new plan.

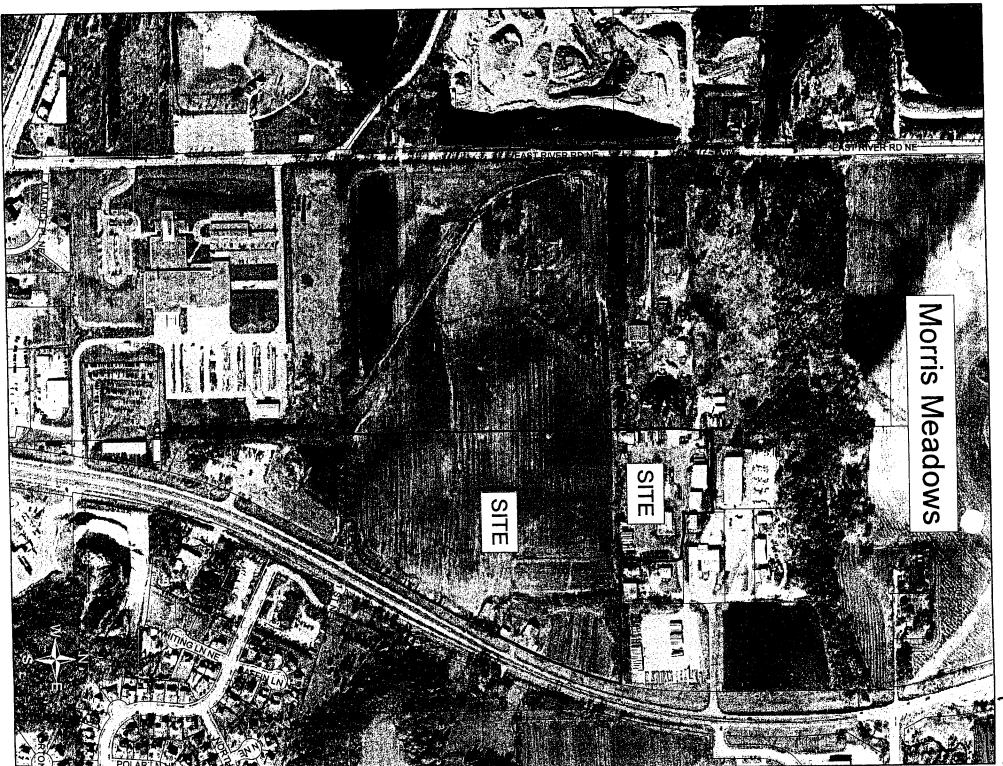
Thank you for your consideration.

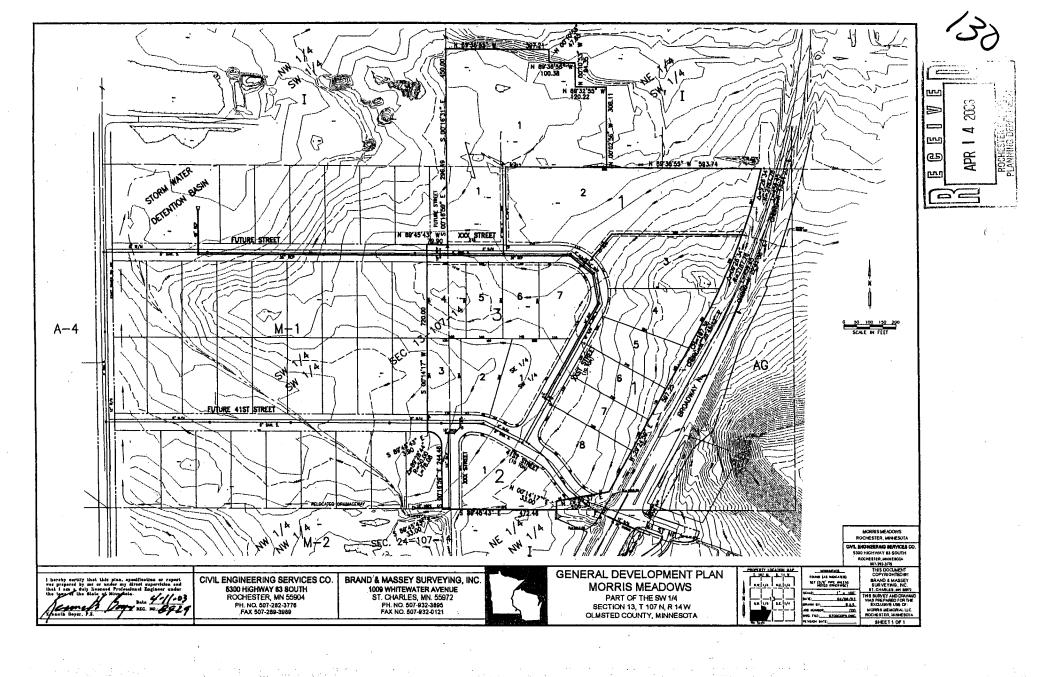
it langue /

Respectfully Your

pc: Mr. Brent Svenby







ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

City Planning and Zoning Commission

FROM:

Brent Svenby, Planner

DATE:

May 8, 2003

RE:

General Development Plan #206 to be known as Morris Meadows

Planning Department Review:

Petitioner/Property Owner:

Morris Memorial LLC

3775 Willow Ridge Drive SW

Rochester, MN 55902

Allen Koenig

PO Box 6122

Rochester, MN 55903

Consultant:

Civil Engineering Services Co.

Attn: Ken Boyer 5300 Hwy 63 South

Rochester, MN 55904

Location of Property:

The property is located along the west side of TH 63,

east of East River Road NE and north of 41st Street

NE.

Proposed Use:

The proposed GDP identifies the property being developed with commercial and industrial uses. A

Land Use Plan Amendment and Zoning District
Amendment are being considered concurrent with

this application.

Land Use Plan

And Zoning Designations:

The Rochester Urban Service Area Land Use Plan

designates this property as suitable for "low density residential" uses and the property is currently zoned I

(Interim) district.

The applicant has filed a petition to amend the Land Use Plan to designate the property for "industrial" uses. The applicant has also filed a petition to zone the property to the M-1 (Mixed Commercial-Industrial) district. These applications are being considered

concurrent with this GDP.

Streets:

The plan proposes public roadways within the development. The plan also provides access to the





Page 2 GDP #206 Morris Meadows May 8, 2003

Sidewalks:

Drainage:

Wetlands:

Public Utilities:

properties located to the north and south. A conceptual roadway layout for the property to the west is shown on the GDP to show how the roadway pattern through the development will function. In 2001 the applicant submitted a GDP on the property to the west (adjacent to East River Road). The GDP identified the property as being developed as a manufactured home park. The applicant withdrew the application prior to the City Council taking action on the proposal.

Please see the Memorandum from Charlie Reiter regarding traffic generation for the development.

Pedestrian facilities will be required along the frontages of all public roadways and along the west side of TH 63.

A Storm water pond is proposed for the northwest corner of the property (in the area shown as future). The current drainage pattern of the property is to the northwest corner. Currently there is an existing waterway running diagonally through the property to the northwest corner. The GDP proposes to relocate this water way to the southerly boundary of the property and along the westerly property boundary.

Detailed grading and drainage plans will be required when the property is platted or developed.

According to the Olmsted County Soil Survey, no hydric soils exist on the site.

Sanitary sewer and water do not abut the property. These utilities would need to be extended to serve the development. The Main Level Water System is available to serve this property which is located approximately 300 feet to the south. This water system will need to be extended to the property as well as to the adjacent properties as required by Rochester Public Utilities. The applicant will need to coordinate with RPU Water Division to determine options and design requirements to develop the necessary water system layout to serve the area.

Referral Comments:

- 1. Planning Dept. Transportation Division
- 2. Rochester Public Works
- 3. RPU Operations Division
- 4. RPU Water Division
- 5. MnDOT
- 6. Rochester Fire Department
- 7. Planning Department Addressing
- 8. Planning Department Wetlands

Page 3 GDP #206 Morris Meadows May 8, 2003 133

Report Attachments:

- 1. Proposed General Development Plan
- 2. General Development Plan Narrative
- 3. Referral Comments
- Neighborhood Meeting Summary see LUPA report

Summary:

- The Morris property involves a total of 66.5 acres intended for use as business park. At a
 Floor Area Ratio of 0.175 the site will support approximately 500,000 square feet of
 commercial/industrial floor area. (this includes development of the portion of the property
 shown conceptually)
- Based on this size of development projected traffic generation is as follows:

	Daily Traffic	PM Peak Hour Traffic
Predominantly industrial and warehousing type uses	3500-3800 trips per day	400 total trips 100 inbound 300 outbound
Predominantly business and office type uses	5500-6000 trips per day	650-700 total trips 125-150 inbound 500-600 outbound

Key traffic issues with the proposal include the following:

- Development of the property will contribute to the need to eventually install a traffic signal at the intersection of TH 63 and 41st St NE when warrants are met. The development should be responsible for a proportionate share of the cost of this improvement
- Improvements will be needed in the future to East River Road to bring it up to the standard of collector street suitable for commercial and industrial traffic and to improve the north approach to 37th St as traffic volumes on East River Road increase. The development should be responsible for a proportionate share of improvements costs along this corridor.
- On the 41st St eastbound approach to TH 63, adequate roadway width should be provided to allow for two eastbound lanes, one to exclusively handle the east to south right turn movement which is expected to be the heavy traffic movement at the intersection, and the second to handle the thru and left turn movements. Lane widths should be adequate to handle large truck traffic.
- East River Road is designated on the ROCOG Long Range Bicycle Plan as the location of a future Connector Trail facility. Adequate right of way or easement should be provided to permit construction of future trail or pedestrian facilities along East River Road.
- Provisions for access control should be provided on the final plat along the following lot frontages:
 - The frontage along TH 63 except for the 41st St intersection;
 - The frontage along East River Road except for the two proposed public street intersections



Page 4 GDP #206 Morris Meadows May 8, 2003

> Along the south frontage of Lot 8, Block 1 for a distance of 250 feet west from the right of way line of TH 63

o Along the north/east side of Lot 1, Block 2 for a distance of 250 west from the right of way line for TH 63

Stormwater d etention is p roposed on the a butting p roperty to the west currently owned by the applicant. Detailed grading and drainage plans will be required when the property is platted. The applicant maybe required to dedicate off site drainage easements to accommodate the proposed relocated drainage way.

A Land Use Plan Amendment and Zoning District Amendment are being considered for this property concurrent with the GDP.

Criteria & Staff Suggested Findings:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan (see attached).

Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

A Land Use Plan amendment and Zoning District amendment are being considered concurrent with this GDP. If the amendments are approved, the land uses within the GDP would be consistent with the land use designation and zoning for the property. The Land Use Plan refers to "industrial" designation as area intended primarily for manufacturing, transportation related facilities, communication related facilities, privately owned utilities, warehousing and outside storage of materials and equipment and uses of similar character. According to the Land Use Plan, industrial uses are characterized by relatively high levels of truck traffic and noise.

Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

The land uses proposed within the GDP would be consistent with the land uses on the adjacent properties. Currently the property to the south is used for storage of materials and equipment for RPU. To the west, across East River Road NE, there is an existing mining and excavation operation. Industrial uses are also to the north of the proposed development. The proposal does provide access to the adjacent properties as well as an access to TH 63, which aligns with 41st Street NE on the east side of TH 63.

Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

This GDP does not include a residential component.

135

Page 5 GDP #206 Morris Meadows May 8, 2003

Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

Development of the property will contribute to the need to eventually install a traffic signal at the intersection of TH 63 and 41st St NE when warrants are met. The developer will be responsible for a proportionate share of the cost of this improvement.

Improvements will be needed in the future to East River Road to bring it up to the standard of collector street suitable for commercial and industrial traffic and to improve the north approach to 37th St as traffic volumes on East River Road increase. The developer will be responsible for a proportionate share of improvements costs along this corridor.

On the 41st St eastbound approach to TH 63, adequate roadway width should be provided to allow for two eastbound lanes, one to exclusively handle the east to south right turn movement which is expected to be the heavy traffic movement at the intersection, and the second to handle the thru and left turn movements. Lane widths should be adequate to handle large truck traffic.

- Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.
 - Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

Development of the property will contribute to the need to eventually install a traffic signal at the intersection of TH 63 and 41st St NE when warrants are met. The developer will be responsible for a proportionate share of the cost of this improvement.

Improvements will be needed in the future to East River Road to bring it up to the standard of collector street suitable for commercial and industrial traffic and to improve the north approach to 37th St as traffic volumes on East River Road increase. The developer will be responsible for a proportionate share of improvements costs along this corridor.

3

On the 41st St eastbound approach to TH 63, adequate roadway width should be provided to allow for two eastbound lanes, one to exclusively handle the east to south right turn movement which is expected to be the heavy traffic movement at the intersection, and the second to handle the thru and left turn movements. Lane widths should be adequate to handle large truck traffic.

Controlled access will need to be dedicated along the entire frontage of TH 63 with the exception of the 41st Street NE intersection. Controlled access shall also be dedicated along the south frontage of Lot 8, Block 1 for a distance of 250 feet west from the right of way line of TH 63 and along the north/east side of Lot 1, Block 2 for a distance of 250 feet west from the right of way line for TH 63

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

Sanitary sewer and water do not abut the property. These utilities would need to be extended to serve the development. The Main Level Water System is available to serve this property which is located approximately 300 feet to the south. Static water pressures within the area will range from the mid 60's to near 80 PSI depending on final grades. This water system will need to be extended to the property as well as to the adjacent properties as required by Rochester Public Utilities. The applicant will need to coordinate with RPU Water Division to determine options and design requirements to develop the necessary water system layout to serve the area. The applicant has indicated that as part of the development a water main will be placed across TH 63 at 41st Street to provide fire flows of 3,000 to 4,000 gpm for development.

 The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

Detailed construction plans will need to be approved for all infrastructure improvements.

Stormwater detention is proposed on the abutting property to the west currently owned by the applicant. Detailed grading and drainage plans will be required when the property is platted. The applicant maybe required to dedicate off site drainage easements to accommodate the proposed relocated drainage way.

Pedestrian facilities will be required along both sides of all public roadways as well as along the west side of TH 63.

Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

Stormwater detention is proposed on the abutting property to the west currently owned by the applicant. A Storm water pond is proposed for the northwest corner of the property. The current drainage pattern of the property is to the northwest corner. Currently there is an existing drainage way running diagonally through the property to the northwest corner. The GDP proposes to relocate the water way to the southerly boundary of the property and along the westerly property boundary. Detailed grading and drainage plans will be required when the property is platted. The applicant maybe required to dedicate off site drainage easements to accommodate the proposed relocated drainage way.

Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

The property has direct access to TH 63, which abuts the property along its westerly edge, which is identified an expressway on the Thoroughfare Plan. The applicant owns the property to the west and has conceptually shown how that property can be developed and where future accesses will be provided to East River Road NE. Lot, block and street design standards will be reviewed in more detail at the time the property is platted.

Recommendation:

The applicant has filed petitions to amend the Rochester Urban Service Area Land Use Plan to designate the property to the "Industrial" designation and to rezone it to the M-1 zoning district. If the CPZC and Council decide that the site meets the criteria for the applications submitted, staff would recommend approval of the GDP with the following conditions or modifications:

- 1. The property shall be platted. Prior to the submittal of a final plat, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, the extension of public utilities, dedication of off site easements, transportation improvement district (TID) charges, stormwater management, traffic improvements including turn-lanes, proportionate share of the cost for a future signal at the intersection of TH 63 and 41st Street NE and the necessary improvements to East River Road and 37th St. NE, pedestrian facilities, right-of-way dedication and applicable charges/contributions for public infrastructure.
- 2. Stormwater Management must be provided for the development. Stormwater detention is proposed on the abutting property to the west currently owned by the applicant. An

Page 8 GDP #206 Morris Meadows May 8, 2003

ownership and maintenance declaration will be required for the storm water facility outlot, if it serves less 50 acres. A Voluntary Storm Water Management fee will apply to any areas, when graded, are not served by privately constructed on-site detention facilities. The applicant maybe required to dedicate off site drainage easements to accommodate the proposed relocated drainage way.

- 3. The extension of public sewer and water to serve the property shall be coordinated with the Public Works Development.
- 4. At the time of platting controlled access shall be dedicated along the entire frontage of TH 63 with the exception of the 41st Street NE intersection. Controlled access shall also be dedicated along the south frontage of Lot 8, Block 1 for a distance of 250 feet west from the right of way line of TH 63 and along the north/east side of Lot 1, Block 2 for a distance of 250 feet west from the right of way line for TH 63.
- 5. The GDP shall be revised to show the extension of 41st Street NE to be perpendicular to TH 63 and align directly across from 41st Street NE on the east side of TH 63.
- 6. This GDP shows conceptually how the property to the west can be developed. Prior to the any development taking place on that property a GDP will need to be filed for it or this GDP will need to be amended to include the property.
- 7. On the 41st St eastbound approach to TH 63, adequate roadway width should be provided to allow for two eastbound lanes, one to exclusively handle the east to south right turn movement which is expected to be the heavy traffic movement at the intersection, and the second to handle the thru and left turn movements. Lane widths should be adequate to handle large truck traffic.
- 8. The applicant shall obtain an access permit from MnDOT for access to TH 63.

Note: This GDP shows conceptually how the property to the west can be developed. Prior to the any development taking place on that property a GDP will need to be filed for it or this GDP will need to be amended to include the property.

MEMORANDUM

TO: City Planning & Zoning Commission

FROM: Charles Reiter

Senior Transportation Planner

DATE; July 2, 2002

RE: Review of Traffic Impact Study for Morris Meadows GDP

Summary of Background Information:

 The Morris property involves a total of 66.5 acres intended for use as business park. At a Floor Area Ratio of 0.175 the site will support approximately 500,000 square feet of commercial/industrial floor area

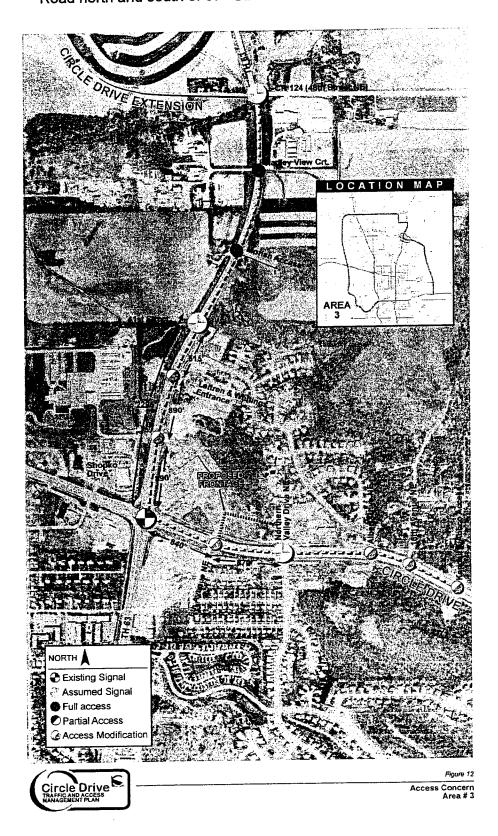
• Based on this size of development projected traffic generation is as follows:

<u> </u>		Daily Traffic	PM Peak Hour Traffic
	Predominantly industrial and warehousing type uses	3500-3800 trips per day	400 total trips 100 inbound 300 outbound
	Predominantly business and office type uses	5500-6000 trips per day	650-700 total trips 125-150 inbound 500-600 outbound

- Access to the site initially will be provided from TH 63 and East River Road. TH 63 will provide access both to the north and south while East River Road provides a connection to 37th St which will be most heavily used for traffic to/from the west. In the future it is anticipated that 55th St will be extended east across the Zumbro River to TH 63 providing for additional dispersion of traffic to / from the west.
- The proposed intersection of 41st St and TH 63 was evaluated as part of ROCOG's Circle Drive Traffic Management Study which was conducted in 2001-2002. The graphic on page 2 illustrates the recommended access and traffic control measures anticipated for implementation along TH 63 north of 37th St. The 41st St intersection is targeted as the location of a future traffic signal based on its location and the spacing it provides between 37th St and 48th St.
- The proposed street running included in the plat running south from 41st St to the south property line fits with long term plans to eventually develop a local road system to support the access management measures and traffic signal spacing planned along TH 63. The illustration on page 3 of this memo highlights conceptually the backage road system that may need to be developed in the future if other accesses along TH 63 need to be restricted in the future due to safety or operational problems
- East River Road will also experience traffic increase as a result of this development.
 The intersection of East River Road and 37th St has been evaluated as part of past TIR reviews, most recently the proposed development of the Allen property. This

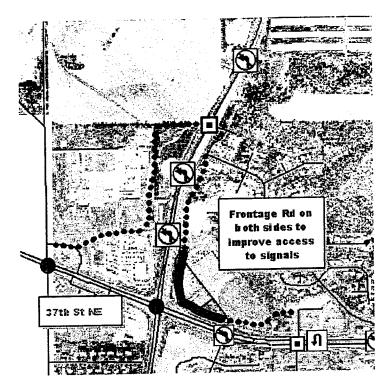


intersection is already signalized but will need improvements affecting both the north and south approaches in the future to handle expected traffic increases on East River Road north and south of 37th St.



Key Traffic Issues

- Development of the property will contribute to the need to eventually install a traffic signal at the intersection of TH 63 and 41st St NE when warrants are met. The development should be responsible for a proportionate share of the cost of this improvement
- Improvements will be needed in the future to East River Road to bring it up to the standard of collector street suitable for commercial and industrial traffic and to improve the north approach to 37th St as traffic volumes on East River Road increase. The development should be responsible for a proportionate



share of improvements costs along this corridor.

- On the 41st St eastbound approach to TH 63, adequate roadway width should be provided to allow for two eastbound lanes, one to exclusively handle the east to south right turn movement which is expected to be the heavy traffic movement at the intersection, and the second to handle the thru and left turn movements. Lane widths should be adequate to handle large truck traffic.
- East River Road is designated on the ROCOG Long Range Bicycle Plan as the location
 of a future Connector Trail facility. Adequate right of way or easement should be
 provided to permit construction of future trail or pedestrian facilities along East River
 Road.
- Provisions for access control should be provided on the final plat along the following lot frontages:
 - The frontage along TH 63 except for the 41st St intersection;
 - The frontage along East River Road except for the two proposed public street intersections
 - Along the south frontage of Lot 8, Block 1 for a distance of 250 feet west from the right of way line of TH 63
 - Along the north/east side of Lot 1, Block 2 for a distance of 250 west from the right of way line for TH 63



ROCHESTER

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740

507-287-7800

FAX - 507-281-6216

--- Minnesota

TO: Consolidated Planning Department

2122 Campus Drive SE Rochester, MN 55904

FROM: Mark E. Baker

DATE: 5/5/03

The Department of Public Works has reviewed the application for <u>General Development Plan</u> #206, on the <u>Morris Meadows</u> property. The following are Public Works comments on the proposal:

- 1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to the extension of public utilities, dedication of off site easements, Transportation Improvement District (TID) charges, stormwater management, traffic improvements including turn-lanes, pedestrian facilities, right-of-way dedication, and applicable charges/contributions for public infrastructure, including the construction of the proposed "Future Public Street" along the south property line.
- 2. Storm Water Management must be provided. As shown, stormwater detention is proposed on the abutting property to the west, currently owner by the applicant. An Ownership & Maintenance Declaration will be required for the Storm Water facility Outlot, if it will serve less than 50 acres. A Storm Water Management fee will apply to any areas on this development that are not served by privately constructed on-site detention facilities.
- 3. It is understood that the GDP includes only the easterly parcel, and does not extend to East River Rd. Since conceptual connections are being shown, the future ROW of East River Rd should be indicated as 60 feet.
- 4. Sanitary Sewer & Water does not abut the property. The extension of public sewer and water to serve the property must be coordinated with the Public Works Department.
- 5. Pedestrian facilities will be required along the entire frontages of all public roads within this property, as well as the frontage of T.H. 63.
- 6. Controlled Access will be required along the entire frontage of T.H. 63, with the exception of any approved public road access point. Additional controlled access will be required along the entire south line of proposed Lot 8, Block 1, and along the 41st St frontage of that part of Lot 1, block 2, from T.H. 63 to the ROW of the future street serving Block 1.

ROCHESTER

--- Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

FROM: Mark E. Baker

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

- 7. Off site drainage easements may be required to accommodate the proposed relocated drainage way.
- 8. The proposed extension of 41st St on the west side of T.H. 63 shall be perpendicular to T.H. 63 and align directly across from 41st St on the east side of T.H. 63.

The following Charges/fees applicable to the development of this property and will be addressed in the Development Agreement and include:

- Sewer Availability Charge @ \$1790.25 per developable acre.
- ❖ Water Availability Charge @ \$1790.25 per developable acre.
- Transportation Improvement District (TID) / Substandard Street Reconstruction Charges To Be Determined.
- Storm Water Management, for any areas that do not drain to an on-site detention facility.
- Traffic Signs as determined by the City Engineer



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6 Mail Stop 060 2900 48th Street N.W.

Fax: 507-285-7355 E-mail: dale.maul@dot.state.mn.us Rochester, MN 55901-5848

Office Tel: 507-280-2913

May 2, 2003

Jennifer Garness Rochester Olmsted Planning Department 2122 Campus Drive SE - Suite 100 Rochester, MN 55904

Land Use Plan Amendment Petition #03-04 and Zoning District Amendment #03-09 by RE: Morris Memorial LLC and Allen Koening to amend the land use designation from "Low Density Residential" to "Industrial". General Development Plan #206 to be known as Morris Meadows by Morris Memorial LLC and Allen Koenig. The property is located along the west side of US Highway 63, east of East River Road NE and north of 41st Street NE.

Dear Ms. Garness:

The Minnesota Department of Transportation's Traffic, Right of Way, Permits and Planning Offices have reviewed the above proposal known as Morris Meadows by Morris Memorial LLC and Allen Koenig. Mn/DOT requires that these items be addressed:

- Mn/DOT's Right of Way Plat #55-28 represents an access opening between B12 and 8755. Although the request sent to Mn/DOT is difficult to read it appears the street connection is in between B-corners B12 and B13. Mn/DOT does have access control between B-corners B12 and B13. To have an access at this location, an exchange in access request could be negotiated. Submit your proposal to Craig Hansen, Project Manager, at (507) 285-7366.
- Mn/DOT does have access control along US Highway 63 and this must be illustrated on the platting.
- Mn/DOT's preliminary findings indicate design enhancements may be needed for a south bound right turn lane. The applicants will need an access permit from Lee Gierok, Roadway Regulations Supervisor, at (507) 285-7362. Mr. Gierok will further review the right turn lane and inform the applicant as to what is needed. Any required enhancements will be at the City's and/or developer's expense.

Thank you for the opportunity to review these proposals. For any additional questions you may contact the Planning Office's Principal Planner, Fred Sandal, at (507) 285-7369 or the Plan and Plat Coordinator, Debbie Persoon-Bement, at (507) 281-7777.

Sincerely, all & Man

Dale E. Maul Planning Director





April 22, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: General Development Plan #206 by Morris Memorial LLC and Allen Koenig to be known as Morris Meadows.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

- 1. This property is within the Main Level Water System area.
- 2. Static water pressures within this area will range from the mid 60's to near 80 PSI depending on final grades.
- 3. The water mains must be extended to adjacent properties per our requirements.
- 4. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

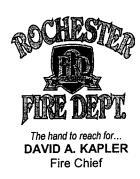
on Richards -

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Gale Mount, Building & Safety
Morris Memorial LLC and Allen Koenig
Ken Boyer





DATE: April 21, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher

Fire Protection Specialist

SUBJ:

General Development Plan 206 by Morris Memorial LLC and Allen Koenig to be know as

Morris Meadows. The applicant is proposing to develop the property with both

commercial and industrial uses.

With regard to the above noted project plan, the fire department has the following requirements:

- 1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
- 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
- 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
- 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division
 Morris Memorial LLC and Allen Koenig 3775 Willow Rd Dr SW Rochester, MN 55902
 Ken Boyer Civil Eng Services Co. 5300 Hwy 63 S Rochester, MN 55904

147

CIVIL ENGINEERING SERVICES COMPANY

5300 HIGHWAY 63 SOUTH ROCHESTER, MINNESOTA 55904 (507) 282-3776

Narrative

Soil Conditions

Soil depth at the site is very shallow with limestone deposits under the entire site. Consequently, grading will be designed to minimize excavations. Utilities will be kept as shallow as possible.

Storm Drainage Problems

There is a major drainageway bisecting the property. The flow in this ditch is increased due to uncontrolled discharges from developed properties east of U.S. Highway 63. Disruption of development will be minimized by relocating this drainageway to the south and west property lines.

Off-site Drainage Problems

A problem exists immediately north of the northwest corner of the property. Uncontrolled runoff from east of U.S. 63 has contributed to erosion and ponding on the adjoining property to the north. The storm water detention basin proposed in this development should help to alleviate the current conditions.

Utility Availability

Both sewer and water are available to the site from existing lines in East River Road near the Rochester Public Utility building. Also, as part of this development, a water main will be placed across U.S. 63 at 41st Street to provide fire flows of 3,000 gpm to 4,000 gpm for development in the proposed subdivision.

Potential Erosion Problems

No unique problems are anticipated. It is expected that the proposed development can be completed without excessive erosion. The site is relatively flat and does not involve highly erosive soils.

Potential Phasing

The general development plan will be constructed in at least two phases. The first phase will involve development of the easterly 33.39 acres of the property to create commercial/industrial lots for sale and to get sanitary sewer and water mains to the property currently occupied by Midwest Transportation.





MEETING 149
DATE 6-2-03

REQUEST FOR COUNCIL ACTION

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO.
ITEM DESCRIPTION: Final Site Plan for PossAbilities in t District north of 41st St. NW and we	he SD-1, Arboretum Special est of 31 st Ave. NW.	PREPARED BY: Mitzi A. Baker, Senior Planner

May 27, 2003

The applicant submitted a revised site/landscaping plan on May 14, 2003. In response to the additional information submitted and provided at the Planning Commission meeting, staff recommends modifications to the conditions recommended by the Planning Commission. Staff recommended modifications are identified as strikethrough and underlined text.

The Rochester Planning and Zoning Commission considered this application at a public hearing on May 14, 2003. The Commission recommends approval of the Final Site Plan, subject to the following conditions/modifications:

- 1. The applicant shall provide the additional plans and revisions as listed above at least two weeks prior to scheduling this item for a public hearing with the City Council.
- 1. Auxiliary signs shall be provided to identify directional flow of traffic; the western access shall be identified as a one-way/exit only.
- 2. An approved grading/drainage plan is required prior to development of the property. A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP), as specified in the Development Agreement.
- 3. Prior to issuance of a zoning certificate and construction of structures, the applicant shall file a copy of a cross access agreement for this entire project development site, which shall be recorded prior to construction.
- 4. Construction of a 5 foot wide concrete sidewalk is required along the entire frontage of 31st Ave. NW, concurrent with development of this parcel.
- 5. Water service for this use shall be as specified by RPU Water (see April 22, 2003 comments).

The motion carried 7-0.

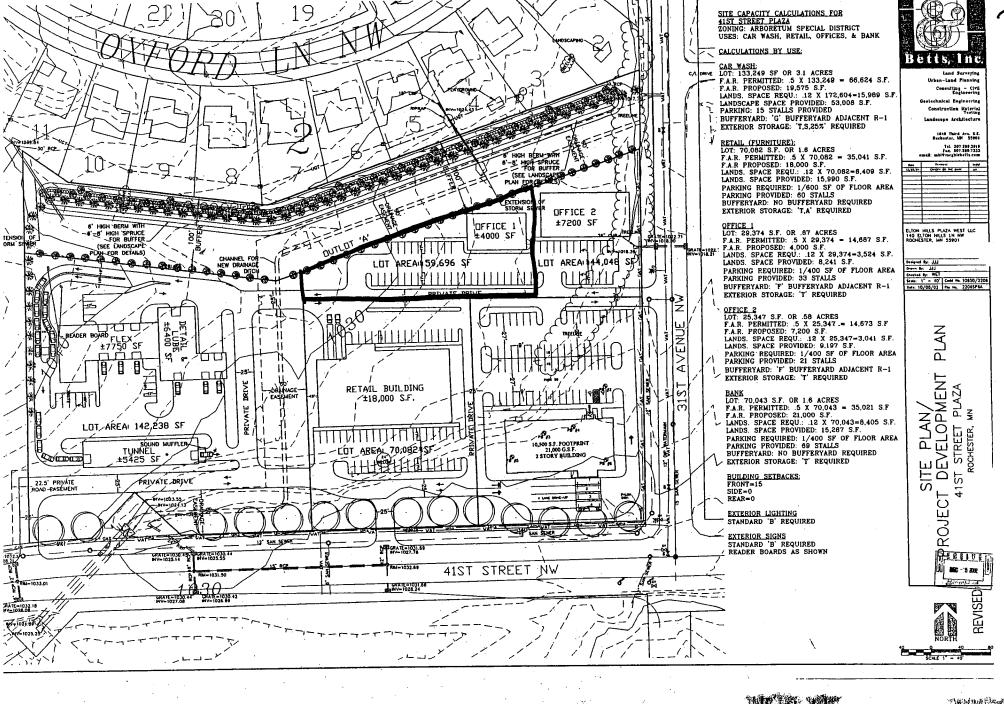
Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution approving the proposed Final Site Plan.

Distribution:

- 1. City Clerk
- 2. City Attorney
- 3. Planning Department File
- Applicant: This item will be considered sometime after 7:00 p.m. on Monday June 2, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION: Motion by:	Second by:	_ to:









 6'-0" HIGH CHAIN LINK FENCE TRASH ENCLOSURE WITH MNYL SLATS (EARTHTONE COLOR)

ELEVATION OF TRASH ENCLOSURE

	PLANT SO	HEDULE FOR POSSIB	LITES SENIOR CENTER			
MATERIAL	BYMBOL	COMMON NAME	SCIENTIFIC NAME	QTY	MIN. SIZE	NOTES
TREÉS	SEC	SPECIG SNOT CRABAPPLE	Mains 'Spring Snow'	15	6' POTTED	28'-0" OC
	薍	Thornios Emeylecast	Gloditain Trinonathes var. Incresses	2	e, bolled	N/A
SHRUBS	TAR	Anthony Valerer Spires	Spires z bulmalda	13	12-18"	4'-8" OC
PERENNIALS	500 0	Stella de Ore Dayilly	Remerocalile daylilly 'riella de ere'	13	1 Gal	2'-0" OC - 0 Spacing
GROUNDCOVER		MINESAL SOD				

LANDSCAPE NOTES:

1. EDGING TO BE 4" CONMERCIAL GRADE POLY EDGING R. ALL AREAS INSIDE POLYEDGING OR NOT SPECIFIED AS SOO TO BE ROCK MULCH

SITE CAPACITY CALCULATIONS FOR LOT 2. BLOCK 1. 41ST STREET BUSINESS PARK ZONING: ARBORETUM SPECIAL DISTRICT USE: POSSIBILITIES SENIOR CENTER

LOT: 30,485 S.F. OR .70 ACRES F.A.R. PERMITTED: .5 X 30,485 = 15,422 S.F. F.A.R. PROPOSED: 4,000 S.F. LANDS. SPACE REQU.: .12 X 30,485=3,701 S.F. LANDS. SPACE PROVIDED: 8,275 S.F. PARKING REQUIRED: 1/EMPLOYEE ON LARGEST SHIFT PARKING PROVIDED: 29 STALLS NO BUFFERYARD REQUIRED

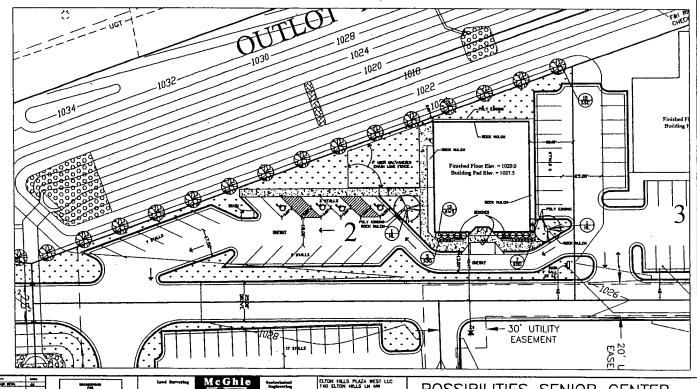
EXTERIOR STORAGE (TRASH): 'T'

- WILL CONSIST OF AN 8.0' x 4.5' ENCLOSURE WITH 6.0' CHAIN LINK FENCE WITH VINYL SLATS

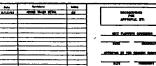
BUILDING SETBACKS: FRONT=15 SIDE=0 REAR=0

EXTERIOR LIGHTING STANDARD 'B' REQUIRED

EXTERIOR SIGNS STANDARD 'B' REQUIRED













ELTON HILLS PAZA WEST LLC
140 ELTON PHILS LIN NW
ROCHESTER, MN 55901

Doubland by KJA
Down By KJA/MBI
Down By KJA/MBI
Down By KJA 201 Goet in 10850/2206

POSSIBILITIES SENIOR CENTER SITE/LANDSCAPE PLAN

LOT 2, BLOCK 1 41ST STREET BUSINESS PARK







ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



TO:

City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE:

May 8, 2003

RE:

Type III, Phase II Special District Amendment Final Site

Development Plan #03-01 by Elton Hills Plaza West LLC to allow the construction of a 4,000 square foot building to accommodate Possibilities Senior Center. The property is located within the 41st Street Business Park and is zoned SD-1 (The Arboretum Special District). The property is located north of 41st Street NW and west

of 31st Ávenue SW and is platted as Lot 2, Block 1 41st Street

Business Park.

Planning Department Review:

Applicant:

Elton Hills Plaza West LLC

140 Elton Hills Lane NW Rochester, MN 55901

Surveyor/Engineer:

McGhie & Betts, Inc.

1648 Third Ave. SE Rochester, MN 55904

Report Attachments:

1. Referral Comments

2. Location Map

3. Final Site Plan Application Materials

Development Review:

Location of Property:

The property is located along the north side of 41st St. NW,

west of 31st Ave. NW.

Zoning:

SD-1 (Arboretum Special District)



153

Adjacent Land Uses & Zoning

Adjacent properties to the north and west are part of the Arboretum Special District. Property to the north of the proposed drainageway and landscaped berm (see project development plan) is developed with single family homes. IBM property and storm water ponds are located to the south. East of 31st Ave. NW are offices in the M-1 (Mixed Commercial-Industrial) District.

General Development Plan:

The approved Arboretum General Development Plan designates this property appropriate for "commercial" development.

Access:

Access to the site would be from an internal private road that, that will have circulation lanes providing access to both 31st Ave. NW and 41st St. NW.

Drainage:

The Project Development Pan (preliminary plan) for the whole project site identifies an open drainage channel that will extend from 41st Street through the site to the northeast corner at 31st Ave. NW. An approved grading and drainage plan will be required prior to development.

Wetlands:

There do not appear to be any Wetland issues related to this proposed development.

Special District Summary:

In 1982, the City adopted a Special Zoning District for The Arboretum (# 2247). The Special District allows for a mixture of land uses guided by a general development plan for the area. Land uses conforming to the underlying R-1 district (at the time of Special District adoption) only need be approved through conventional zoning and subdivision approval processes (such as Lincolnshire Subdivisions). Other development projects in accordance with the general development plan for the property, but not conforming to the underlying R-1 zoning must be considered for approval through a two step site plan review process set forth in Ordinance # 2247.

This two step process includes the Project Development Plan and the Final Site Plan. A Project Development Plan was approved in 1992 for this property.

<u>Analysis:</u>

Review Procedure:

The proposed development is subject to the provisions of Ordinance #2247, which establishes the Arboretum Special District and provides for procedures for approval of projects within the Special District. In this instance, a Type III, Phase II review procedure is necessary for both the project development plan phase and the final development plan phase of the review. This requires public hearings at both the Planning Commission and the City Council. According to the Rochester Zoning Ordinance and Land Development Manual (LDM Sec. 60.327), this application will need to be measured against the criteria applicable for conditional use permits (Sec. 61.146) and also for a Restricted Development Final Plan (62.708).



Background & Summary of Proposal:

A Project Development Plan (preliminary plan) was approved for this property in December 2003, which included approximately 9.5 acres of land with multiple commercial uses, as shown on the attached Plan. The Plan identified two office buildings, a bank with a drive through facility, one retail building and a car wash facility with additional vehicle maintenance services (i.e. vacuum, detail, lube). Additionally, an open drainage channel was identified through the site along with a 100' wide open space buffer area adjacent to the existing residential dwellings. The open space buffer includes a berm with plantings.

The applicant is now proposing a Final Plan for a 4,000 sq. ft. building for the "PossAbilities Senior Center".

Criteria & Findings:

Sections 61.146 and 62.708 are attached for your review. These sections of the Rochester Zoning Ordinance and Land Development Manual (LDM) include the criteria that must be considered when reviewing this application. Staff suggests the following findings.

In regard to Section 61.146, if this application were approved subject to conditions or modifications, staff suggests that findings within this Section could not be made to support denial of this request.

In regard to Section 62.708 (2) of the LDM (see attached), staff suggest the following findings:

Final Development Plan Criteria:

- a) Public Facility Design: An approved grading/drainage plan is required prior to construction. Extension of any public utilities will require approved construction plans, easements and execution of a City-Owner Contract.
- b) Geologic Hazard: There are no known geologic hazards on this site.
- c) Access Effect: This property will be served by a private road system circulating through the Project Development Plan site, which will access public roads at 31st Ave. and 41st Street.
- d) **Pedestrian Circulation:** The applicant is responsible to construct 5' wide concrete sidewalk along the entire frontage of 31st Ave. NW and 41st Street NW concurrent with development of the property.
- e) Foundation and Site Plantings: A landscape plan for the site has been prepared which identifies foundation plantings along the south side of the building. The Landscape Plan needs to be revised to clarify the groundcover proposed for all areas not used for parking and circulation lanes or sidewalk.
- f) Site Status: Installation of public infrastructure will require approved construction plans and an executed Owner Contract. The applicant will need to work with the City to obtain an approved grading and drainage plan.
- g) Screening and Bufferyards: The landscape plan includes turf, trees and shrubs. Additional details are needed to identify proposed screening for the trash bin and to provide additional site plan information and clarification as noted above. An open

155

drainage channel was identified on the Project Development Plan, through the site along with a 100' wide open space buffer area adjacent to the existing residential dwellings. The open space buffer includes a berm with plantings which will need to be completed during the first construction season (i.e. this year).

- h) Final Building Design: The final building design is consistent with the principles identified in preliminary development plan relative to Height Impact, Setbacks, and Internal Site Design.
- i) Internal Circulation Areas: Plans for off-street parking and loading areas and circulation aisles appear to meet ordinance requirements in terms of design.
- j) Ordinance Requirements: At this time, the applicant needs to provide additional information and modifications to the application. Compliance with Ordinance requirements will be verified after reviewing the additional information.

Regarding findings for Section 61.146: If the applicant provides additional information and revisions and complies with recommended condition, then findings of this Section would not be made to warrant denial of the project.

Staff Recommendation:

At this time, additional information and revisions should be filed prior to taking final action on this Final Site Plan application.

- The applicant should provide an explanation of the use of this property, including: nature of the business; use/purpose of fenced area adjacent to west side of building; the number of employees on the largest shift;
- Auxiliary signs are needed to identify directional flow of traffic the western access should be identified as a one-way exit only;
- The Landscaping plan need to identify all areas proposed for sod, rock, mulch, etc. Most areas are not labeled, and should be to provide clarification.
- The western access/egress for this property should be narrowed and shifted to the west to align with the delivery access to the abutting property to the south
- The Plan refers to an Outdoor Storage Area with a 6' chain link fence. What is this referring to? The Plan drawing identifies an outdoor area west of the building that will have a 4' chain link fence, but does not identify an outdoor storage area with a 6' chain link fence.
- Provide elevation and detail for screening trash enclosure.

If the applicant agrees to file this additional information at least two weeks <u>prior to the City Council</u> meeting for which this item would be scheduled, staff would agree to forwarding this application to the City Council with a recommendation.

Final Site Plan:

Staff recommends the following modifications or conditions, if the Commission wishes to make a recommendation at this time:

1. The applicant shall provide the additional plans and revisions as listed above at least two weeks prior to scheduling this item for a public hearing with the City Council.



- 2. An approved grading/drainage plan is required prior to development of the property. A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP), as specified in the Development Agreement.
- 3. Prior to issuance of a zoning certificate and construction of structures, the applicant shall file a copy of a cross access agreement for this entire project development site, which shall be recorded prior to construction.
- 4. Construction of a 5 foot wide concrete sidewalk is required along the entire frontage of 31st Ave. NW, concurrent with development of this parcel.
- 5. Water service for this use shall be as specified by RPU Water (see April 22, 2003 comments).

Note: This application is still subject to meeting all conditions of the Project Development Plan.



EXCERPTS FROM THE LDM

- 61.146 **Standards for Conditional Uses**: The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:
 - 1) provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.
 - 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.
 - 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
 - 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
 - 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
 - 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
 - 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
 - 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.
- 62.708 Criteria for Type III Developments: In determining whether to approve, deny, or approve with conditions an application, the Commission and Council shall be guided by the following criteria:

2) Final Development Plan Criteria:

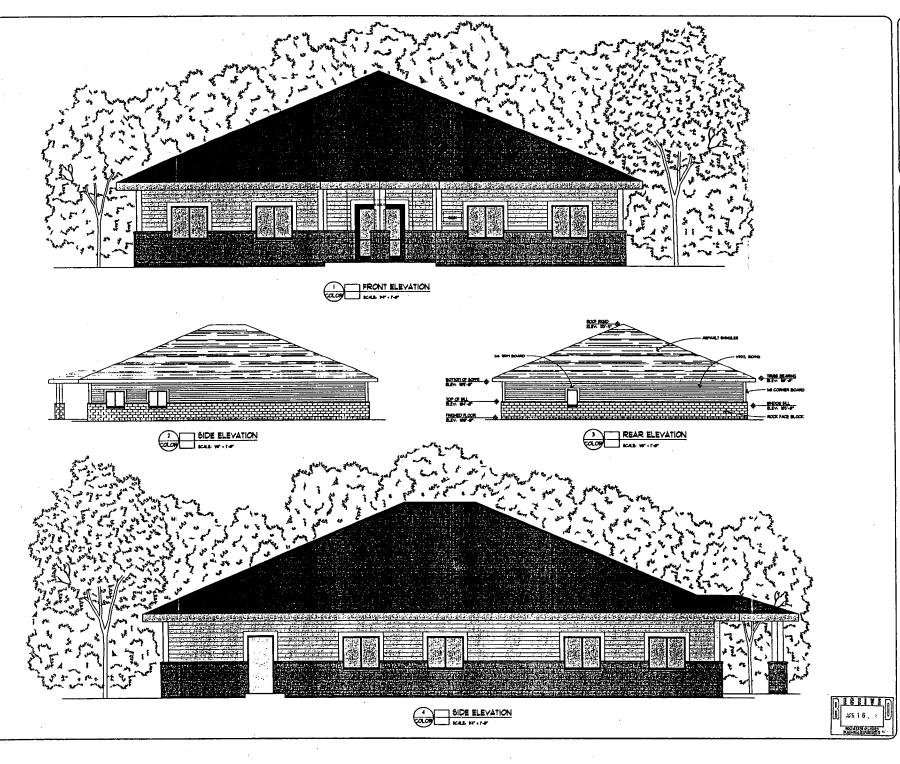
- a) **Public Facility Design:** The design of private and public utility facilities meet the requirements and specifications which the applicable utility has adopted.
- b) Geologic Hazard: Engineering means to deal with areas of geologic hazard have been incorporated into the development plan or such areas have been set aside from development.



- c) Access Effect: Ingress and egress points have been designed and located so as to:
 - 1) Provide adequate separation from existing street intersections and adjacent private driveways so that traffic circulation problems in public right-of-ways are minimized;
 - 2) Not adversely impact adjacent residential properties with factors such as noise from accelerating or idling vehicles or the glare of headlights from vehicles entering or leaving the site.

In addition, where the preliminary development plan identified potential problems in the operation of access points, plans for private improvements or evidence of planned public improvements which will alleviate the problems have been provided.

- d) Pedestrian Circulation: The plan includes elements to assure that pedestrians can move safely both within the site and across the site between properties and activities within the neighborhood area, and, where appropriate, accommodations for transit access are provided.
- e) Foundation and Site Plantings: A landscape plan for the site has been prepared which indicates the finished site will be consistent with the landscape character of the surrounding area.
- f) Site Status: Adequate measures have been taken to insure the future maintenance and ownership pattern of the project, including common areas, the completion of any platting activities, and the provision of adequate assurance to guarantee the installation of required public improvements, screening and landscaping.
- g) Screening and Bufferyards: The final screening and bufferyard design contains earth forms, structures and plant materials which are adequate to satisfy the needs identified in Phase I for the project.
- h) **Final Building Design:** The final building design is consistent with the principles identified in preliminary development plan relative to Height Impact, Setbacks, and Internal Site Design.
- i) Internal Circulation Areas: Plans for off-street parking and loading areas and circulation aisles to serve these areas meet ordinance requirements in terms of design.
- j) Ordinance Requirements: The proposed development is consistent with the requirements of the underlying zoning district for similar uses in regards to signage and other appearance controls, and with general standards such as traffic visibility and emergency access.





KANE AND JOHNSON ARCHITECTS, INC.

346 HIGHWAY AS NORTH BUTTE 108
ECCHESTER AN \$3906.
FH (367) 286-1839 FAX (357) 288-1830 ME

2469 UNIVERSITY AVE WEST ST. PAUL, MIN SSI4 PH (651) 644-826 FAX (651) 644-8084

CERTIFICATION

CONSULTANTS

REVISIONS

Hexum / Brown CLIENT CLIENT

PossAbilities Senior Center

41st Street Business Park Rochester, Minnesota

EXTERIOR ELEVATIONS

ISSUE DATE

2003204

NUMBER

DATE



ROCHESTER

- Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 5/5/03

The Department of Public Works has reviewed the application for <u>Special District Amended Final Site Plan #03-01</u> for the proposed <u>Possibilities Senior Center (Lot 2, Block 1, 41st Street Business Park)</u>. The following are Public Works comments on this request:

- 1. A Development Agreement has been executed for this Property. Individual lot development is subject to the terms of the executed Agreement.
- 2. Grading & Drainage Plan approval is required prior to development of this property, and a Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP), as specified in the Development Agreement.
- 3. A City-Owner Contract has been prepared by the City and provided to the Owner for execution. Execution by the Owner & Contractor, and approval by the City is required prior to the construction of public infrastructure to serve this development. Execution of a separate City-owner Contract will be required if the additional water main extension(s) and/or the addition of hydrant(s) is required for this lot, other than what was indicated on the plans for the basic construction City-Owner Contract for 41st Street Business Park.
- 4. Evidence of a cross access easement should be provided for the shared access drive on Lots 2, 3, 4 & 5 of this subdivision.
- 5. Construction of a 5 foot wide concrete sidewalk is required, concurrent with development of this parcel, along the entire frontage of 31st Ave NW.
- ❖ Development charges and fees applicable to the development of this property are included in the Development Agreement, and City-Owner Contract for 41st Street Business Park.



Minnesota Department of Transportation - District 6
Mail Stop 060
2900 48th Street N.W.
Rochester, MN 55901-5848

Office Tel: 507-280-2913 Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

April 28, 2003

Jennifer Garness Rochester Olmsted Planning Department 2122 Campus Drive SE – Suite 100 Rochester, MN 55904

Re: Type III, Phase II Special District Amendment Final Site Development Plan #03-02 by Elton Hills Plaza West LLC. Th4e property is located north of 41st Street NW and west of 31st Avenue SW.

Land Subdivision Permit (Preliminary Plat) #03-13 to be know as Viola Hills Subdivision by Todd Ustby. The property is located west of Osjor Estates, east of Schaeffer Lane and north of Viola Road (CR 2)

Final Plat #03-09 by Leslie A. Lurken to be known as North Park Fourteenth Subdivision by Leslie A. Lurken. The property is located west of Hillsboro Drive NW and east of Fairway Drive NW.

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposals. Although these developments do not have direct access to Mn/DOT roadways, the City of Rochester should continue to manage traffic impacts from growth in north Rochester.

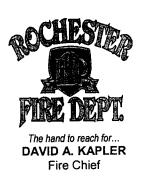
Thank you for keeping Mn/DOT informed. Any questions you have may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

Dale E. Maul Planning Director

ele E Mal





DATE: April 23, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher

Fire Protection Specialist

SUBJ:

Final Site Development Plan 03-01 by Elton Hills Plaza West LLC to allow the

construction of a 4000 square foot building to accommodate Possibilities Senior Center.

With regard to the above noted project plan, the fire department has the following requirements:

- All buildings are required to display the proper street address number on the building front, which is
 plainly visible and legible from the street fronting the property. Number size must be a minimum 4"
 high on contrasting background when located on the building and 3" high if located on a rural mail
 box at the public road fronting the property. Reflective numbers are recommended.
- 2. All construction shall be in accordance with the Rochester Building and Fire Codes and under a valid permit.
- c: Donn Richardson, RPU, Water Division
 Elton Hills Plaza West LLC. 140 Elton Hills Lane NW Rochester, MN 55901
 Kane & Johnson Architects, Inc 2460 Highway 63 North, Suite 100 Rochester, MN 55906





April 22, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: Type III, Phase II Special District Amendment Final Site Development Plan #03-01 by Elton Hills Plaza West LLC to allow the construction of a 4000 SF building to accommodate Possibilities Senior Center located within 41st Street Business Park along 41st St. NW west of 31st Ave NW.

Dear Ms. Garness:

Our review of the referenced site plan is complete and our comments follow:

- 1. Information on the planned water service was not provided within this submittal.
- 2. The final construction plans for the 41st Street Business Park have been reviewed and indicate that a 6" water service is being stubbed out for this lot.
- 3. Based on the information provided and historical water use at a similar facility a 1 ½" copper domestic water service is required to properly serve this building. If a 6" fire protection water service is planned then a separate 1 ½" copper domestic water service must be installed to minimize water quality problems.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Elton Hills Plaza West, LLC
Kane & Johnson Architects, Inc.
Dave Morrill, McGhie & Betts, Inc.

un Richard



Page 15

City Planning and Zoning Commission Minutes

Hearing Date: May 14, 2003

Type III, Phase II Special District Amendment Final Site Development Plan #03-01 by Elton Hills Plaza West LLC to allow the construction of a 4,000 square foot building to accommodate Possibilities Senior Center. The property is located within the 41st Street Business Park and is zoned SD-1 (The Arboretum Special District). The property is located north of 41st Street NW and west of 31st Avenue NW and is platted as Lot 2, Block 1 41st Street Business Park.

Ms. Wiesner stated that Mr. Quinn would be chairing for the particular request, as she would need to abstain.

Ms. Mitzi A. Baker presented the staff report, dated May 8, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

The applicant's representative, Mr. Jeff Brown, of 1434 Salem Lane NW, Rochester MN, addressed the Commission. He stated that they plan to use the site for a senior center/adult handicap daycare. He indicated that there would be day hours and no weekend or night hours. He showed the site plan.

Ms. Baker asked Mr. Brown to address the fenced in area.

Mr. Brown stated that the fenced in area would be a safety precaution for the recreation area for the residents.

Ms. Baker stated that she received a revised site plan at 5:00 p.m. and was not able to review it prior to the meeting.

Mr. Brown stated that the applicant agreed with the staff-recommended conditions.

Ms. Rivas asked why there were so many parking spaces for 8 employees.

Mr. Brown stated that the parking would be used for the two vans for the business and visitors.

With no one else wishing to be heard, Mr. Quinn closed the public hearing.

Mr. Staver moved to recommend approval of Type III, Phase II Special District
Amendment Final Site Development Plan #03-01 by Elton Hills Plaza West LLC with the
staff-recommended findings and conditions. Mr. Burke seconded the motion. The
motion carried 7-0, with Ms. Wiesner abstaining.

CONDITIONS:

- 1. The applicant shall provide the additional plans and revisions as listed above at least two weeks prior to scheduling this item for a public hearing with the City Council.
- 2. An approved grading/drainage plan is required prior to development of the property.

 A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP), as specified in the Development Agreement.
- Prior to issuance of a zoning certificate and construction of structures, the applicant shall file a copy of a cross access agreement for this entire project development site,

Hearing Date: May 14, 2003

which shall be recorded prior to construction.

- 4. Construction of a 5-foot wide concrete sidewalk is required along the entire frontage of 31st Ave. NW, concurrent with development of this parcel.
- 5. Water service for this use shall be as specified by RPU Water (see April 22, 2003 comments).

Type III, Phase II Special District Amendment Final Site Development Plan #03-02 by Elton Hills Plaza West LLC to allow the construction of an 18,000 square foot building to for retail uses. The property is located within the 41st Street Business Park and is zoned SD-1 (The Arboretum Special District). The property is located north of 41st Street NW and west of 31st Avenue NW and is platted as Lot 5, Block 1 41st Street Business Park.

Ms. Mitzi A. Baker presented the staff report, dated May 8, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

The applicant's representative, Mr. Jeff Brown, of 1434 Salem Kane NW, Rochester MN, addressed the Commission. He stated that the applicant agreed to all the conditions, but questioned access to 41 Street. He indicated that there is an amended development agreement that should clear up the issue.

Ms. Baker stated that staff and the applicant would work on the access issues.

Ms. Rivas expressed concern with the amount of impervious surface.

With no one else wishing to be heard, Mr. Quinn closed the public hearing.

Mr. Burke moved to recommend approval of Type III, Phase II Special District Amendment Final Site Development Plan #03-02 by Elton Hills Plaza West LLC with the staff-recommended findings and conditions. Ms. Rivas seconded the motion. The motion carried 7-0, with Ms. Wiesner abstaining.

CONDITIONS:

- 1. The applicant shall provide the additional plans and revisions as listed above at least two weeks prior to scheduling this item for a public hearing with the City Council.
- 2. An approved grading/drainage plan is required prior to development of the property. A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP), as specified in the Development Agreement.
- Prior to issuance of a zoning certificate and construction of structures, the applicant shall file a copy of a cross access agreement for this entire project development site, which shall be recorded prior to construction.
- Construction of a 5-foot wide concrete sidewalk is required along the entire frontage of 41st St. NW, concurrent with development of this parcel.





MEETING DATE 6-2-03

REQUEST FOR COUNCIL ACTION

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	PLANNING	E-6
ITEM DESCRIPTION: Final Site Plan for a Retail Bu	ilding in the SD-1, Arboretum Special	PREPARED BY:
District north of 41st St. NW	and west of 31st Ave. NW.	Mitzi A. Baker,
	•	Senior Planner

May 27, 2003

NOTE: The Project Development Plan (preliminary plan) approved for the development of this overall site was approved with a condition that the "final site plan shall include modification of the first access west of 31^{st} Ave. NW, to provide additional left turn storage at the intersection of 41^{st} Street and 31^{st} Ave." In order to accommodate additional left turn storage, this access opening would need to be shifted to the west. The Final Plan does not accommodate additional left turn storage as previously required. The Final Plat for this property has been recorded and controlled access is identified along 41^{st} Street, with an opening at the location proposed by the applicant.

The Council included the access condition in its approval of the preliminary plan on the advice of planning staff working in conjunction with the City Engineer. The City Engineer has informed us that his recommendation has now changed and he finds the current location of the access acceptable. The Planning Commission did not receive testimony justifying a change in the access requirement and recommends adhering to the original condition. If the Council is persuaded that a reduced left turn lane distance will suffice on 41st Street, it should approve the plan as shown; otherwise, it should adhere to the original required access location.

The applicant submitted a revised site/landscaping plan on May 14, 2003. In response to the additional information submitted and provided at the Planning Commission meeting, staff recommends modifications to the conditions recommended by the Planning Commission. Staff recommended modifications are identified as strikethrough and underlined text.

The Rochester Planning and Zoning Commission considered this application at a public hearing on May 14, 2003. The Commission recommends approval of the Final Site Plan, subject to the following conditions/modifications:

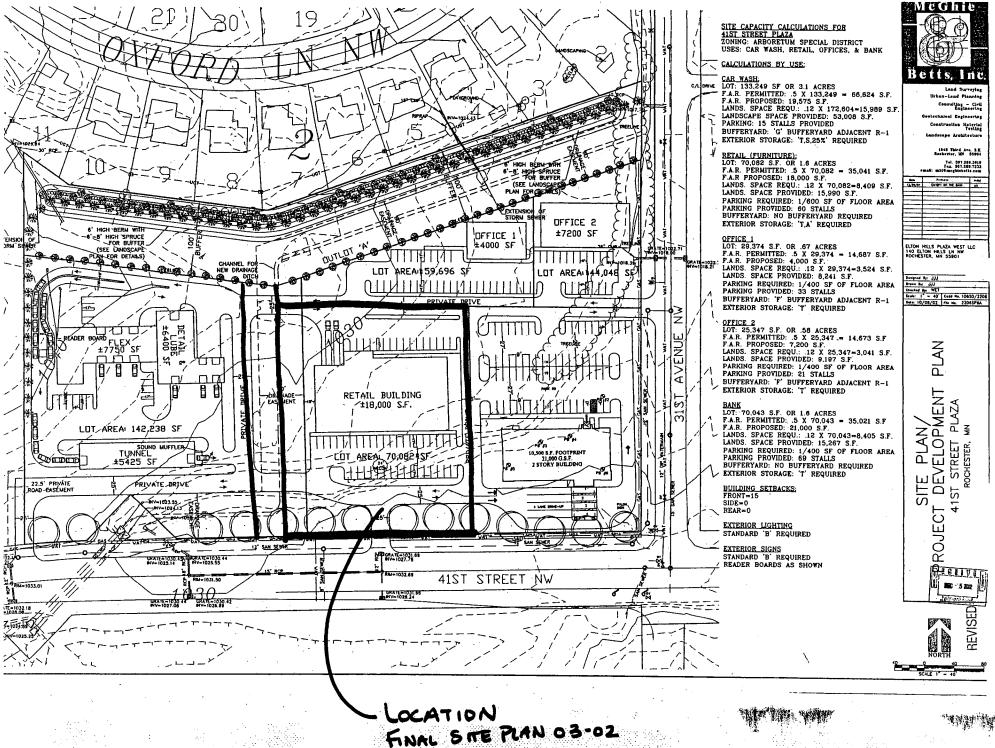
- 1. The applicant shall provide the additional plans and revisions as listed above at least two weeks prior to scheduling this item for a public hearing with the City Council.
- 2. An approved grading/drainage plan is required prior to development of the property. A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP), as specified in the Development Agreement.
- 3. Prior to issuance of a zoning certificate and construction of structures, the applicant shall file a copy of a cross access agreement for this entire project development site, which shall be recorded prior to construction.
- 4. Construction of a 5 foot wide concrete sidewalk is required along the entire frontage of 41st St. NW, concurrent with development of this parcel.
- 5. Water service for this use shall be as specified by RPU Water (see April 22, 2003 comments).

The motion carried 7-0.

Counc	cil A	ction	<u>Needed:</u>

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution approving the proposed Final Site Plan.

COUNCIL ACTION: Motion by:	Second by:	to:	



SITE CAPACITY CALCULATIONS FOR LOT 5. BLOCK 1. 41ST STREET BUSINESS PARK ZONING: ARBORETUM SPECIAL DISTRICT USES: RETAIL

RETAIL:
LOT: 81,099 S.F. OR 1.9 ACRES
F.A.R. PERMITTED: .5 X 81,099 = 40,549 S.F.
F.A.R. PROPOSSD: 18,000 S.F.
LANDS. SPACE REQU.: 12 X 81,099=9,731 S.F.
LANDS. SPACE PROVIDED: 15,990 S.F.
PARKING REQUIRED: 1/600 SF OF FLOOR AREA
PARKING PROVIDED: 68 STALLS
BUFFERYARD: NO BUFFERYARD REQUIRED

EXTERIOR STORAGE: 'T.A' REQUIRED
TRASH TO CONSIST OF AN 8'x12' ENCLOSED
WITH 6' HIGH SLATTED CHAINLINK FENCE

BUILDING SETBACKS: FRONT=15 SIDE=0 REAR=0

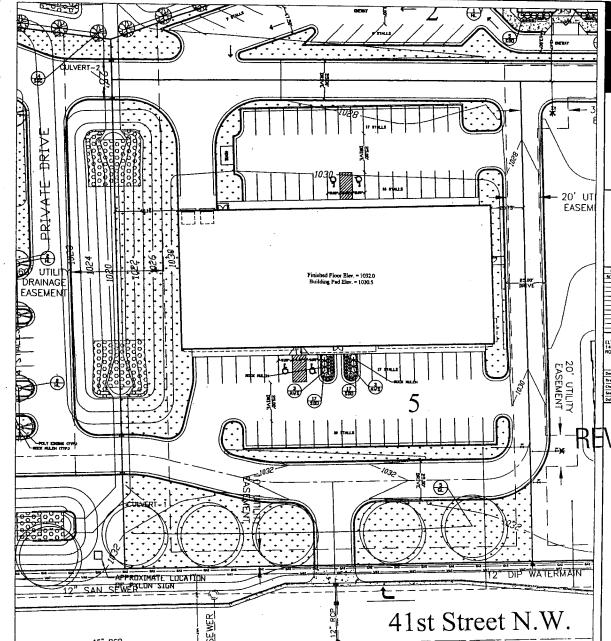
EXTERIOR LIGHTING STANDARD 'B' REQUIRED

EXTERIOR SIGNS
STANDARD 'B' REQUIRED
(SEE ELEVATION DRAWING)

MAY 1 4 2003



	PLANT SO	PLANT SCHEDULE FOR POSSIBILITES SENIOR CENTER	LITES SENIOR CENTER			
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PERENNIALS	300	Platin de Ore Bayilly	Homorocalite dayidly 'stella de ore'	ž	1 041	2'-6' 0C - 0 S
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LANDSCAPE NOTES:	ë					
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R. ALL AREA	S INSIDE POLYI	r, all aread distur polyedoding or not speciated as soo to be rock mulch	SOR TO BE ROCK MULCE			



McGhie

iand Surveying
Urben-Land Pianning
Consulting — Civil
Engineering
Geotechnical Engineering
Construction Material
Teeting
Landscape Architecture

1848 Third Ave. 3.3 Rechester, MN 5590 Tel. 507.289.391 Fax. 507.289.733; nail: anbi@moghisbetta.son

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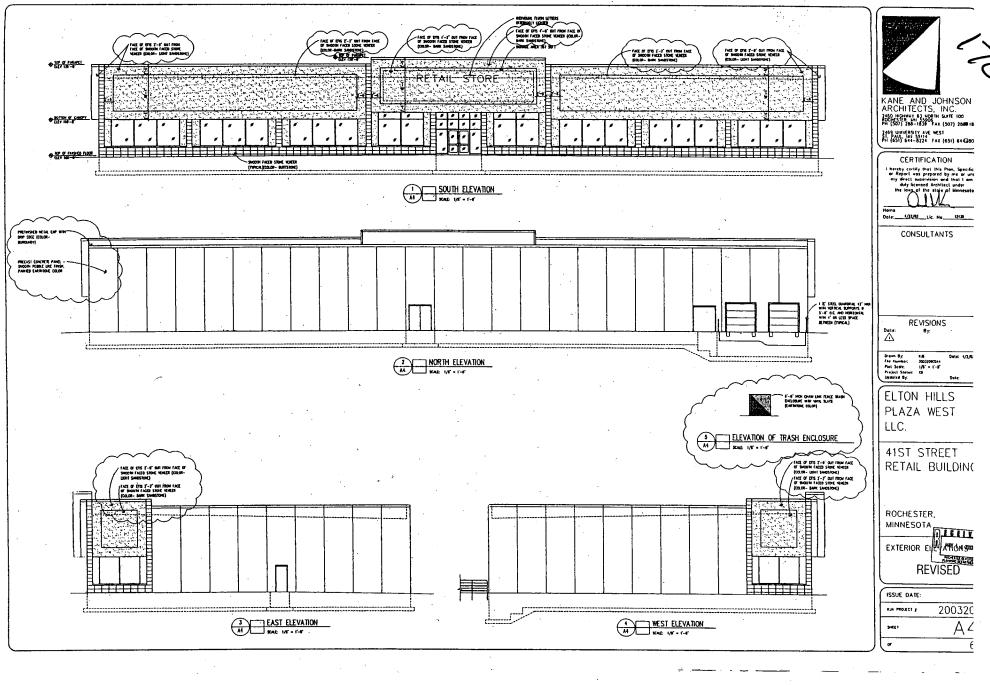
ELTON HILLS PLAZA WEST LLC 140 ELTON HILLS LM NW ROCHESTER, MN 55901

Designed By: KJA |
Drewn By: KJA/MBI
Checked By: JJJ
East: 1' = 20' Cold No. 1085D/2208
Dale: 04/10/03 | Pto No. 22085P-GP

VISE

ETAIL BUILDING
ITE/LANDSCAPE PLAN
LOT 5, BLOCK 1
LOT 5, BLOCK 1
LST STREET BUSINESS PARK





小额执弃 "



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744





TO:

City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: May 8, 2003

RE: Type III, Phase II Special District Amendment Final Site

> Development Plan #03-02 by Elton Hills Plaza West LLC to allow the construction of an 18,000 square foot building to for retail uses. The property is located within the 41st Street Business Park and is zoned SD-1 (The Arboretum Special District). The property is located north of 41st Street NW and west of 31st Avenue SW and

is platted as Lot 5, Block 1 41st Street Business Park.

Planning Department Review:

Applicant:

Elton Hills Plaza West LLC 140 Elton Hills Lane NW Rochester, MN 55901

Surveyor/Engineer:

McGhie & Betts, Inc. 1648 Third Ave. SE Rochester, MN 55904

Report Attachments:

1. Referral Comments

2. Location Map

3. Final Site Plan Application Materials

Development Review:

Location of Property:

The property is located along the north side of 41st St. NW,

west of 31st Ave. NW.

Zoning:

SD-1 (Arboretum Special District)





Adjacent Land Uses & Zoning

Adjacent properties to the north and west are part of the Arboretum Special District. Property to the north of the proposed drainageway and landscaped berm (see project development plan) is developed with single family homes. IBM property and storm water ponds are located to the south. East of 31st Ave. NW are offices in the M-1 (Mixed Commercial-Industrial) District.

General Development Plan:

The approved Arboretum General Development Plan designates this property appropriate for "commercial" development.

Access:

Access to the site would be from an internal private road that, that will have circulation lanes providing access to both 31st Ave. NW and 41st St. NW. Access to 41st Street, associated with the development of this building, should be shifted further west to provide additional left turn stacking within 41st Street, as was required with approval of the Project Development Plan for the overall project.

Drainage:

The Project Development Pan (preliminary plan) for the whole project site identifies an open drainage channel that will extend from 41st Street through the site to the northeast corner at 31st Ave. NW. An approved grading and drainage plan will be required prior to development.

Wetlands:

There do not appear to be any Wetland issues related to this proposed development.

Special District Summary:

In 1982, the City adopted a Special Zoning District for The Arboretum (# 2247). The Special District allows for a mixture of land uses guided by a general development plan for the area. Land uses conforming to the underlying R-1 district (at the time of Special District adoption) only need be approved through conventional zoning and subdivision approval processes (such as Lincolnshire Subdivisions). Other development projects in accordance with the general development plan for the property, but not conforming to the underlying R-1 zoning must be considered for approval through a two step site plan review process set forth in Ordinance # 2247.

This two step process includes the Project Development Plan and the Final Site Plan. A Project Development Plan was approved in 1992 for this property.

173

Analysis:

Review Procedure:

The proposed development is subject to the provisions of Ordinance #2247, which establishes the Arboretum Special District and provides for procedures for approval of projects within the Special District. In this instance, a Type III, Phase II review procedure is necessary for both the project development plan phase and the final development plan phase of the review. This requires public hearings at both the Planning Commission and the City Council. According to the Rochester Zoning Ordinance and Land Development Manual (LDM Sec. 60.327), this application will need to be measured against the criteria applicable for conditional use permits (Sec. 61.146) and also for a Restricted Development Final Plan (62.708).

Background & Summary of Proposal:

A Project Development Plan (preliminary plan) was approved for this property in December 2003, which included approximately 9.5 acres of land with multiple commercial uses, as shown on the attached Plan. The Plan identified two office buildings, a bank with a drive through facility, one retail building and a car wash facility with additional vehicle maintenance services (i.e. vacuum, detail, lube). Additionally, an open drainage channel was identified through the site along with a 100' wide open space buffer area adjacent to the existing residential dwellings. The open space buffer includes a berm with plantings.

The applicant is now proposing a Final Plan for a 18,000 sq. ft. retail building. The future tenant of this building has not been identified at this time.

Criteria & Findings:

Sections 61.146 and 62.708 are attached for your review. These sections of the Rochester Zoning Ordinance and Land Development Manual (LDM) include the criteria that must be considered when reviewing this application. Staff suggests the following findings.

In regard to Section 61.146, if this application were approved subject to conditions or modifications, staff suggests that findings within this Section could not be made to support denial of this request.

In regard to Section 62.708 (2) of the LDM (see attached), staff suggest the following findings:

Final Development Plan Criteria:

- a) Public Facility Design: An approved grading/drainage plan is required prior to construction. Extension of any public utilities will require approved construction plans, easements and execution of a City-Owner Contract.
- b) Geologic Hazard: There are no known geologic hazards on this site.
- (c) Access Effect: This property will be served by a private road system circulating through the Project Development Plan site, which will access public roads at 31st Ave. and 41st Street. Access to 41st Street, associated with the development of this building, needs to be shifted further west to provide additional left turn stacking within 41st Street, as was required with approval of the Project Development Plan for the overall project.
- c) **Pedestrian Circulation:** The applicant is responsible to construct 5' wide concrete sidewalk along the entire frontage of 41st Street NW concurrent with development of the property.



- d) Foundation and Site Plantings: A landscape plan for the site has been prepared which identifies foundation plantings along the south side of the building. The Landscape Plan needs to be revised to clarify the groundcover proposed for all areas not used for parking and circulation lanes or sidewalk.
- e) Site Status: Installation of public infrastructure will require approved construction plans and an executed Owner Contract. The applicant will need to work with the City to obtain an approved grading and drainage plan.
- f) Screening and Bufferyards: The landscape plan includes turf, trees and shrubs. Additional details are needed to provide additional site plan information and clarification as noted above. An open drainage channel was identified on the Project Development Plan, through the site along with a 100' wide open space buffer area adjacent to the existing residential dwellings. The open space buffer includes a berm with plantings which will need to be completed during the first construction season (i.e. this year).
- g) Final Building Design: The final building design is generally consistent with the principles identified in preliminary development plan relative to Height Impact, Setbacks, and Internal Site Design. Minimal information was previously provided regarding intended building design, materials or colors.
- h) Internal Circulation Areas: Plans for off-street parking and loading areas and circulation aisles appear to meet ordinance requirements in terms of design.
- i) Ordinance Requirements: At this time, the applicant needs to provide additional information and modifications to the application. Compliance with Ordinance requirements will be verified after reviewing the additional information.

Regarding findings for Section 61.146: If the applicant provides additional information and revisions and complies with recommended condition, then findings of this Section would not be made to warrant denial of the project.

Staff Recommendation:

At this time, additional information and revisions should be filed prior to taking final action on this Final Site Plan application.

- The Landscaping plan need to identify all areas proposed for sod, rock, mulch, etc. Most areas are not labeled, and should be to provide clarification.
- Building elevations need to identify final building material selection (i.e. What finish is proposed for the precast concrete panels along rear of building). Additionally, the black/white plan building elevations should identify material colors and types to provide re-producible information and complete the detail on those Plans.
- Provide elevation and detail for screening trash enclosure.
- Access to 41st Street, associated with the development of this building, shall be shifted further west to provide additional left turn stacking within 41st Street, as was required with approval of the Project Development Plan for the overall project. This Final Site Plan does not appear to comply with the condition of the Project Development Plan (preliminary plan) approval.

If the applicant agrees to file this additional information at least two weeks <u>prior to the City Council</u> meeting for which this item would be scheduled, staff would agree to forwarding this application to the City Council with a recommendation.



Final Site Plan:

Staff recommends the following modifications or conditions, if the Commission wishes to make a recommendation at this time:

- 1. The applicant shall provide the additional plans and revisions as listed above at least two weeks prior to scheduling this item for a public hearing with the City Council.
- 2. An approved grading/drainage plan is required prior to development of the property. A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP), as specified in the Development Agreement.
- 3. Prior to issuance of a zoning certificate and construction of structures, the applicant shall file a copy of a cross access agreement for this entire project development site, which shall be recorded prior to construction.
- 4. Construction of a 5 foot wide concrete sidewalk is required along the entire frontage of 41st St. NW, concurrent with development of this parcel.
- 5. Water service for this use shall be as specified by RPU Water (see April 22, 2003 comments).

Note: This application is still subject to meeting all conditions of the Project Development Plan.



EXCERPTS FROM THE LDM

- 61.146 **Standards for Conditional Uses**: The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:
 - 1) provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.
 - 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.
 - The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
 - 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
 - 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
 - 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
 - 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
 - 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.
- 62.708 **Criteria for Type III Developments:** In determining whether to approve, deny, or approve with conditions an application, the Commission and Council shall be guided by the following criteria:

2) Final Development Plan Criteria:

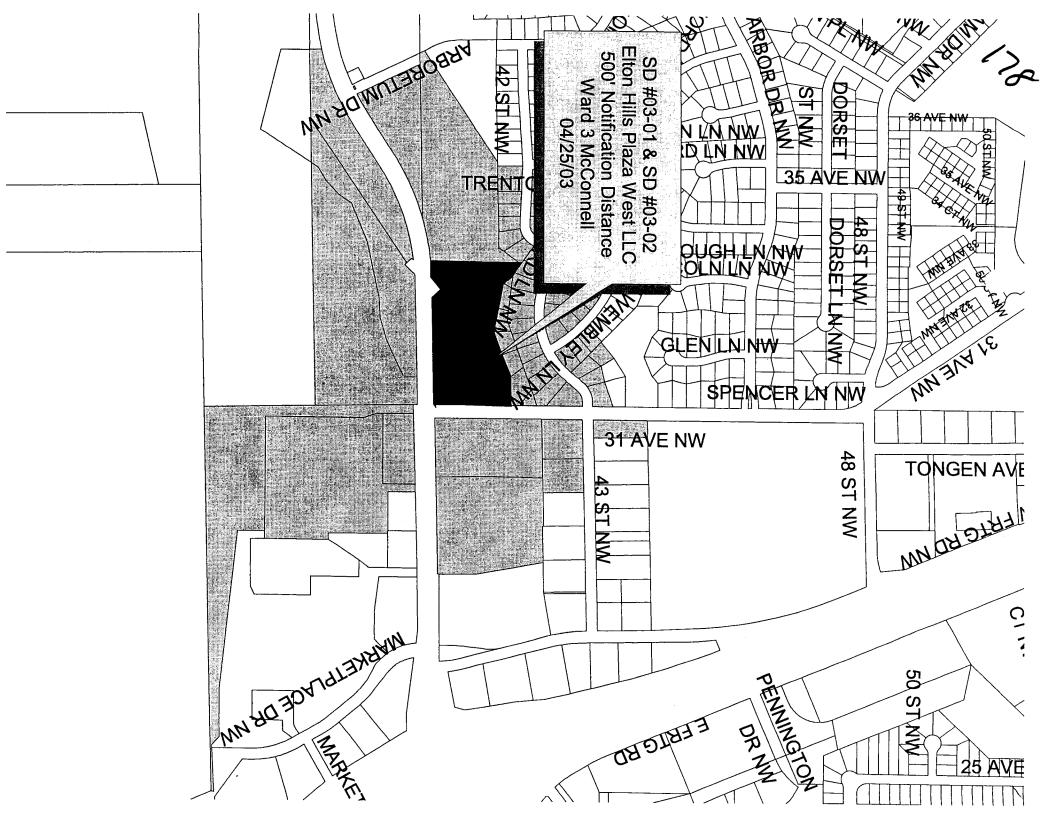
 a) Public Facility Design: The design of private and public utility facilities meet the requirements and specifications which the applicable utility has adopted.



- Geologic Hazard: Engineering means to deal with areas of geologic hazard have been incorporated into the development plan or such areas have been set aside from development.
- c) Access Effect: Ingress and egress points have been designed and located so as to:
 - 1) Provide adequate separation from existing street intersections and adjacent private driveways so that traffic circulation problems in public right-of-ways are minimized;
 - Not adversely impact adjacent residential properties with factors such as noise from accelerating or idling vehicles or the glare of headlights from vehicles entering or leaving the site.

In addition, where the preliminary development plan identified potential problems in the operation of access points, plans for private improvements or evidence of planned public improvements which will alleviate the problems have been provided.

- d) Pedestrian Circulation: The plan includes elements to assure that pedestrians can move safely both within the site and across the site between properties and activities within the neighborhood area, and, where appropriate, accommodations for transit access are provided.
- e) **Foundation and Site Plantings:** A landscape plan for the site has been prepared which indicates the finished site will be consistent with the landscape character of the surrounding area.
- f) Site Status: Adequate measures have been taken to insure the future maintenance and ownership pattern of the project, including common areas, the completion of any platting activities, and the provision of adequate assurance to guarantee the installation of required public improvements, screening and landscaping.
- g) Screening and Bufferyards: The final screening and bufferyard design contains earth forms, structures and plant materials which are adequate to satisfy the needs identified in Phase I for the project.
- h) **Final Building Design:** The final building design is consistent with the principles identified in preliminary development plan relative to Height Impact, Setbacks, and Internal Site Design.
- i) Internal Circulation Areas: Plans for off-street parking and loading areas and circulation aisles to serve these areas meet ordinance requirements in terms of design.
- j) Ordinance Requirements: The proposed development is consistent with the requirements of the underlying zoning district for similar uses in regards to signage and other appearance controls, and with general standards such as traffic visibility and emergency access.



SITE CAPACITY CALCULATION. FOR LOT 5. BLOCK 1. 41ST STREET BUSINESS PARK ZONING: ARBORETUM SPECIAL DISTRICT

RETAIL:
LOT: 81,099 S.F. OR 1.9 ACRES
F.A.R. PERMITTED: .5 X 81,099 = 40,549 S.F.
F.A.R PROPOSED: 18,000 S.F. LANDS. SPACE REQU: .12 X 81,099=9,731 S.F. LANDS. SPACE PROVIDED: 15,990 S.F. PARKING REQUIRED: 1/600 SF OF FLOOR AREA PARKING PROVIDED: 68 STALLS BUFFERYARD: NO BUFFERYARD REQUIRED EXTERIOR STORAGE: 'T,A' REQUIRED

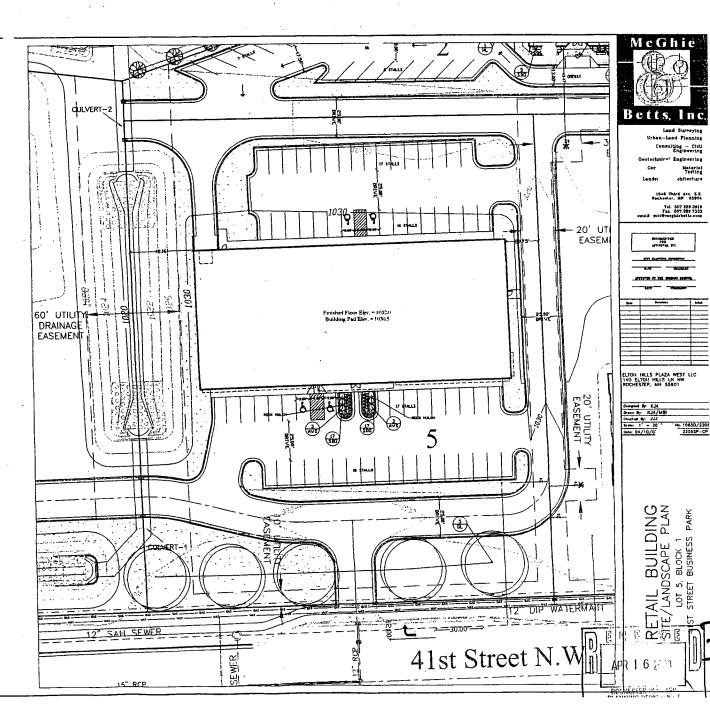
BUILDING SETBACKS; FRONT=15 SIDE=0 REAR=0

EXTERIOR LIGHTING STANDARD 'B' REQUIRED

EXTERIOR SIGNS
STANDARD 'B' REQUIRED
(SEE ELEVATION DRAWING)



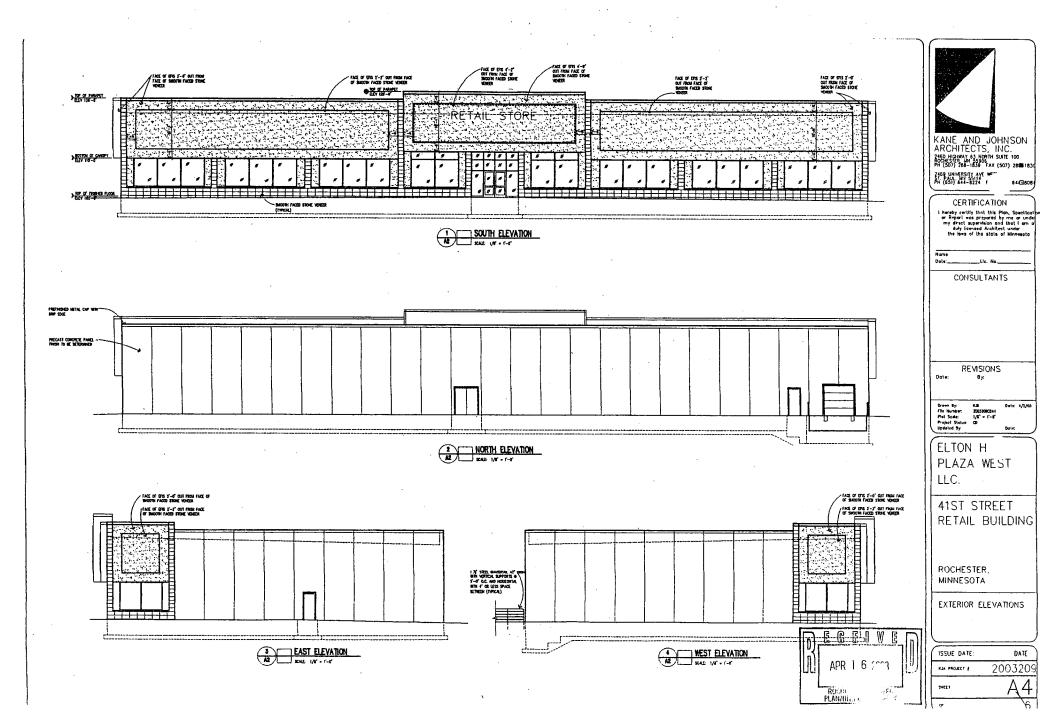
	PLANT S	CHEDULE FOR POSSIBIL	PLANT SCHEDULE FOR POSSIBILITES SENTOR CENTER			
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Material Testing

2206SP-GP





ROCHESTER

— Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX - 507-281-6216

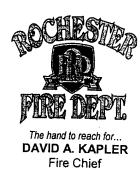
FROM: Mark E. Baker

DATE: 5/5/03

The Department of Public Works has reviewed the application for <u>Special District</u> <u>Amended Final Site Plan #03-02</u> for the proposed <u>41st Street Retail Building (Lot 5, Block 1, 41st Street Business Park)</u>. The following are Public Works comments on this request:

- 1. A Development Agreement has been executed for this Property. Individual lot development is subject to the terms of the executed Agreement.
- 2. Grading & Drainage Plan approval is required prior to development of this property, and a Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP), as specified in the Development Agreement.
- 3. A City-Owner Contract has been prepared by the City and provided to the Owner for execution. Execution by the Owner & Contractor, and approval by the City is required prior to the construction of public infrastructure to serve this development. Execution of a separate City-owner Contract will be required if the additional water main extension(s) and/or the addition of hydrant(s) is required for this lot, other than what was indicated on the plans for the basic construction City-Owner Contract for 41st Street Business Park.
- 4. Evidence of a cross access easement should be provided for the shared access drive on Lots 2 & 5 of this subdivision.
- 5. Construction of a 5 foot wide concrete sidewalk is required, concurrent with development of this parcel, along the entire frontage of 41st St NW.
- ❖ Development charges and fees applicable to the development of this property are included in the Development Agreement, and City-Owner Contract for 41st Street Business Park.





DATE: April 23, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher

Fire Protection Specialist

SUBJ:

Final Site Development Plan 03-02 by Elton Hills Plaza West LLC to allow the

construction of an 18000 square foot building for retail uses.

With regard to the above noted project plan, the fire department has the following requirements:

- 1. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- 2. All construction shall be in accordance with the Rochester Building and Fire Codes and under a valid permit.

Donn Richardson, RPU, Water Division
 Elton Hills Plaza West LLC. – 140 Elton Hills Lane NW – Rochester, MN 55901
 Kane & Johnson Architects, Inc – 2460 Highway 63 North, Suite 100 – Rochester, MN 55906



April 22, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: Type III, Phase II Special District Amendment Final Site Development Plan #03-02 by Elton Hills Plaza West LLC to allow the construction of an 18,000 SF building to accommodate retail uses located within 41st Street Business Park along 41st St. NW west of 31st Ave NW.

Dear Ms. Garness:

Our review of the referenced site plan is complete and our comments follow:

- 1. Information on the planned water service was not provided within this submittal.
- 2. The final construction plans for the 41st Street Business Park have been reviewed and indicate that a 6" water service is being stubbed out for this lot approximately 70' south of the SE building corner.
- 3. Based on the information provided and historical water use at similar retail facilities a 1 ½" copper domestic water service is required to properly serve this building. If a 6" fire protection water service is planned then a separate 1 ½" copper domestic water service must be installed to minimize water quality problems. The length of this domestic service should be minimized by more directly entering the mechanical area on the north side of the building.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Elton Hills Plaza West, LLC
Kane & Johnson Architects, Inc.
Dave Morrill, McGhie & Betts, Inc.



Page 16

City Planning and Zoning Commission Minutes

Hearing Date: May 14, 2003

which shall be recorded prior to construction.

4. Construction of a 5-foot wide concrete sidewalk is required along the entire frontage of 31st Ave. NW, concurrent with development of this parcel.

5. Water service for this use shall be as specified by RPU Water (see April 22, 2003 comments).

Type III, Phase II Special District Amendment Final Site Development Plan #03-02 by Elton Hills Plaza West LLC to allow the construction of an 18,000 square foot building to for retail uses. The property is located within the 41st Street Business Park and is zoned SD-1 (The Arboretum Special District). The property is located north of 41st Street NW and west of 31st Avenue NW and is platted as Lot 5, Block 1 41st Street Business Park.

Ms. Mitzi A. Baker presented the staff report, dated May 8, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

The applicant's representative, Mr. Jeff Brown, of 1434 Salem Lane NW, Rochester MN, addressed the Commission. He stated that the applicant agreed to all the conditions, but questioned access to 41st Street. He indicated that there is an amended development agreement that should clear up the issue.

Ms. Baker stated that staff and the applicant would work on the access issues.

Ms. Rivas expressed concern with the amount of impervious surface.

With no one else wishing to be heard, Mr. Quinn closed the public hearing.

Mr. Burke moved to recommend approval of Type III, Phase II Special District Amendment Final Site Development Plan #03-02 by Elton Hills Plaza West LLC with the staff-recommended findings and conditions. Ms. Rivas seconded the motion. The motion carried 7-0, with Ms. Wiesner abstaining.

CONDITIONS:

- 1. The applicant shall provide the additional plans and revisions as listed above at least two weeks prior to scheduling this item for a public hearing with the City Council.
- 2. An approved grading/drainage plan is required prior to development of the property.

 A Storm Water Management fee will apply for the benefit of participation in the City's

 Storm Water Management Plan (SWMP), as specified in the Development Agreement.
- 3. Prior to issuance of a zoning certificate and construction of structures, the applicant shall file a copy of a cross access agreement for this entire project development site, which shall be recorded prior to construction.
- Construction of a 5-foot wide concrete sidewalk is required along the entire frontage of 41st St. NW, concurrent with development of this parcel.

City Planning and Zoning Commission Minutes

Hearing Date: May 14, 2003

5. Water service for this use shall be as specified by RPU Water (see April 22, 2003 comments).

OTHER BUSINESS:

1. As may be brought up with members

No discussion items were brought forward.

ADJOURN:

Motion made by Mr. Ohly to adjourn, seconded by Mr. Haeussinger. Ms. Lisa Wiesner, Chair, adjourned the meeting at 10:00 p.m.

Respectfully Submitted:		
Philip H. Wheeler, AICP	Ms. Lisa Wiesner, Chair	
ila		

185



REQUEST FOR COUNCIL ACTION

MEETING

DATE: 6-2-03

187

		D
AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-7
ITEM DESCRIPTION: General Development Plan #207 to Pinewood Ridge. The Applicant is proposing to develop with single family dwellings. The property is proposed provides connections to adjacent properties. The properties and west of 30 th Avenue SE with single family	p approximately 63 acres of land to be served by public roads and erty is located south of Pinewood	PREPARED BY: Brent Svenby, Planner

May 28, 2003

City Planning and Zoning Commission Recommendation:

On May 14, 2003 the City Planning and Zoning Commission reviewed this General Development Plan.

Wade DuMond of Yaggy Colby Associates addressed the Commission. He stated that the applicant did not object to the recommended conditions.

A few of the neighboring property owners had questions on the proposed development.

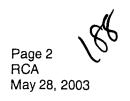
The Commission reviewed this proposal according to the criteria listed in Paragraph 61.215 of the Zoning Ordinance and Land Development Manual.

Mr. Burke made a motion to recommend approval of General Development Plan #207 to be known as Pinewood Ridge based on staff-recommended findings and conditions. Ms. Rivas seconded the motion. The motion carried 8-0.

Conditions:

- 1. The GDP shall be revised to
 - shift the local street connection shown to the property to the east to align on the common lot lone of the abutting properties
 - provide 30 foot mid-block pedestrian connections to the area identified as open space on the GDP.
- 2. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction / TID charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
- 3. Storm Water Management must be provided for this development. A Storm Water Management fee may apply to any areas of the Property that do not drain to an approved privately constructed on-site detention facility. Any storm water detention facility serving less than 50 developable acres shall remain in private ownership, and execution of an Ownership & Maintenance Agreement and applicable drainage and access easements will be required, as well as access for maintenance vehicles.
- 4. Pedestrian facilities (concrete sidewalk) will be required along both sides of all new public roads within this property, as well as, a 10 foot wide bituminous pedestrian path along the entire frontage of Pinewood Road SE. The Owner shall construct all required mid-block pedestrian connections, and dedicate said connections to the City as separate Outlots.
- 5. Prior to platting this property, the applicant shall complete a Wetland Delineation and submit it to the LGU for review and approval. Any applications to drain or fill Wetlands for this development must be submitted to the LGU and acted upon (approved or denied) prior to final plat submittal.
- 6. Development of this property is limited to 1200adt prior to construction of a second access to serve this development.

COUNCIL ACTION:	Motion by:	Second by:	to:	······	



7. The development will have a parkland dedication requirement of ± 1.8 acres. Dedication requirements can likely be met via the dedication of the open space indicated on the western portion of the development. The designs of the ponds will determine whether adequate lands meet the dedication standards following construction of the ponds. In the event that the area indicated "open space" remains private, the parkland dedication requirements will be cash in lieu of land.

Planning Staff Recommendation:

See attached staff report dated May 9, 2003.

Council Action Needed:

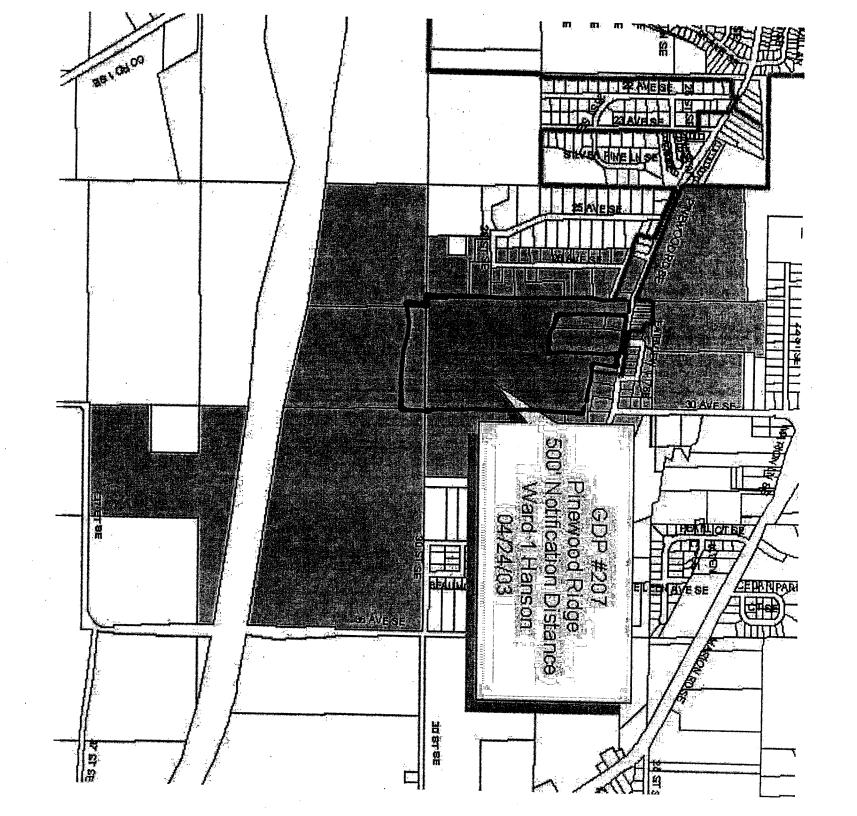
- 1. The Council may approve, approve with conditions, or deny the general development plan. The Council must make findings based on the criteria listed in Paragraph 61.215.
- 2. If the Council wishes to proceed with the general development plan as proposed, it should instruct the City Attorney to prepare a resolution for Council approval.

Attachments:

- 1. Staff Report dated May 9, 2003
- 2. Minutes of the May 14, 2003 CPZC Meeting

Distribution:

- 1. City Administrator
- 2. City Attorney
- 3. Planning Department File
- 4. Applicant: This item will be considered some time after 7:00 p.m. on Monday, June 2, 2003 in the Council/Board Chambers in the Government Center at 151 4th Street SE.
- 5. Yaggy Colby Associates





ROCHESTER OLMSTED PLANNING DEPARTMENT PLANNING DEPARTMENT PLANNING DEPARTMENT MONECT MUNIER COMPUTER FALL GENERAL DEVELOPMENT PLAN WYJOR TOCAL STREET PINEWOOD RIDGE ROCHESTER, MINNESOTA TYPE NAME HERE ENGINEERS . PLANNERS SURVEYS . PLANNERS LANDSCAPE LANDSCAPE ARCHITECTS SOFFIX SHACE **VSSOCIATES**

MAJOR LOCAL STREET

VSZOCIVLES AVCCA



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: May 9, 2003

RE: General Development Plan #207 to be known as Pinewood Ridge

Planning Department Review:

Property Owner/Developer:

Gene Ostrom

2811 Pinewood Road SE Rochester, MN 55904

JAR Properties LLC 1027 Sierra Lane NE Rochester, MN 55906

Consultant:

Yaggy Colby Associates 717 Third Avenue SE Rochester, MN 55904

Location of Property:

The property is located south of Pinewood Road SE and west of 30th Avenue SE with single-family homes.

Proposed Use:

The Applicant is proposing to develop approximately 63 acres of land with single family dwellings. The property is proposed to be served by public roads and provides connections to adjacent properties.

Land Use Plan

And Zoning Designation:

The Rochester Urban Service Area Land Use Plan designates this property as suitable for "low density residential" uses. The majority of the property is zoned R-1 on the City of Rochester Zoning Map. The southerly portion of the property is not annexed at this

time.

Streets:

This development proposes public roadways. The development proposes one access to Pinewood Road SE, which is designated as an upgrade collector on the ROCOG Thoroughfare Plan. The plan provides access to the adjacent properties. The access connection to the east should align on the common lot line of the abutting properties. The development will be limited to 1200 adt until a second access is constructed to serve the development.

Pedestrian Facilities:

Pedestrian facilities will be required along both sides of all new public roads within the development. A 10-



Page 2 GDP#207 Pinewood Ridge May 9, 2003

the open space from the local streets needs to be provided.

The GDP identifies existing topography. The property generally drains from north to south. On-site detention ponds are proposed on the property. Any facilities serving less than 50 developable acres shall remain private and will require the execution of Maintenance & Ownership Agreement(s), and applicable Drainage and Access Easement(s). A

stormwater management fee will apply to any areas of the property that do drain to an approved privately

foot wide bituminous pedestrian path is required along the frontage of Pinewood Road SE. Access to

constructed on-site detention facility.

Vehicular access is required to all stormwater detention facilities. The Owner will be required to demonstrate said access through the grading plan review process and platting stages of this development.

Detailed grading and drainage plans will be required when the property is platted or developed.

Minnesota Statutes now require that all developments be reviewed for the presence of wetlands or hydric soils. The Nation Wetland Inventory indicates the presence of hydric soils on the property. The property owner is responsible for identifying wetlands on the property and submitting the information prior to

Public utilities are available to serve the property; however, they will need to be extended to reach the property.

or at the time of platting.

The northern most portion of the property is within the Main Level Water System area and central and southern portions are within the Southeast High Level Water System area. Static water pressures (from the high level system) within this area will range from the low 50's to the mid 100's PSI depending on final grades. The builders will be required to install pressure-reducing devices near the domestic water meters as required by the Minnesota Plumbing Code. The watermains in the cul-de-sac streets must be looped and extended to adjacent properties per the requirements of the RPU - Water Division.

The development will have a parkland dedication requirement of + 1.8 acres. Dedication requirements can likely be met via the dedication of the open space indicated on the western portion of the development.

Drainage:

Wetlands:

Public Utilities:

Parkland Dedication:

rak

Page 3 GDP#207 Pinewood Ridge May 9, 2003

The designs of the ponds will determine whether adequate lands meet the dedication standards following construction of the ponds. In the event that the area indicated "open space" remains private, the parkland dedication requirements will be cash in lieu of land. Access to the open space from the local streets needs to be provided.

Referral Comments:

- 1. Rochester Public Works
- 2. Rochester Park & Recreation
- 3. RPU Water Division
- 4. Planning Department Addressing
- 5. Planning Department Wetlands
- 6. MnDOT
- 7. Qwest
- 8. Fire Department

Report Attachments:

- 1. Proposed General Development Plan
- 2. General Development Plan Narrative
- 3. Referral Comments

Criteria & Staff Suggested Findings:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan (see attached).

Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

The property is designated for "low density residential" types of land uses on Land Use Plan. Land uses within the GDP would be consistent with the "low density residential" land use designation for the property.

Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

This G DP p roposes I ow d ensity residential, which is consistent with the land use designation for the property. Adjacent land uses consist of single family homes and large undeveloped parcels. It is anticipated that the adjacent undeveloped parcels will be developed with low density residential uses in the future.

The plan provides access to the adjacent properties. The access connection to the east should align on the common lot line of the abutting properties.

Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

Page 4 GDP#207 Pinewood Ridge May 9, 2003



The development density is consistent with the low density residential land use designation of the Land Use Plan. The GDP promotes the development of mixed densities and housing styles. Additionally, the GDP is consistent with the Housing Plan and the standards for the physical and social environmental of residential neighborhoods.

Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

The development will be served by public roadways. Pinewood Road SE is designated as an upgrade collector on the ROCOG Thoroughfare Plan and adequate right-of-way will need to be dedicated at the time of platting to accommodate the improvements necessary. This roadway will be upgraded in the future. Currently the upgrading of the roadway is not in the City's 6-year Capital Improvement Program.

- Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.
 - Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

The development will be served by pubic roadways. Pinewood Road SE is designated as an upgrade collector on the ROCOG Thoroughfare Plan and adequate right-of-way will need to be dedicated at the time of platting to accommodate the improvements necessary. This roadway will be upgraded in the future. Currently the upgrading of the roadway is not in the City's 6-year Capital Improvement Program.

Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate

to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

Public utilities are available to serve the property; however, they will need to be extended to reach the property.

The northern most portion of the property is within the Main Level Water System area and central and southern portions are within the Southeast High Level Water System area. Static water pressures (from the high level system) within this area will range from the low 50's to the mid 100's PSI depending on final grades. The builders will be required to install pressure-reducing devices near the domestic water meters as required by the Minnesota Plumbing Code. The watermains in the cul-de-sac streets must be looped and extended to adjacent properties per the requirements of the RPU — Water Division.

 The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

Pedestrian facilities will be required along both sides of all new public roads within the development. A 10-foot wide bituminous pedestrian path is required along the frontage of Pinewood Road SE. Access to the open space from the local streets needs to be provided. Access to the open space from the local streets needs to be provided.

On-site detention ponds are proposed on the property. Any facilities serving less than 50 developable acres shall remain private and will require the execution of Maintenance & Ownership Agreement(s), and applicable Drainage and Access Easement(s). A stormwater management fee will apply to any areas of the property that do drain to an approved privately constructed on-site detention facility. Detailed grading and drainage plans will be required when the property is platted or developed. Vehicular access is required to all stormwater detention facilities.

The development will have an estimated parkland dedication requirement of 1.8 acres. Dedication requirements can likely be met via the dedication of the open space indicated on the western portion of the development. The designs of the ponds will determine whether adequate lands meet the dedication standards following construction of the ponds. In the event that the area indicated "open space" remains private, the parkland dedication requirements will be cash in lieu of land.

Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

On-site detention ponds are proposed on the property. Any facilities serving less than 50 developable acres shall remain private and will require

Page 6 GDP#207 Pinewood Ridge May 9, 2003

the execution of Maintenance & Ownership Agreement(s), and applicable Drainage and Access Easement(s). A stormwater management fee will apply to any areas of the property that do drain to an approved privately constructed on-site detention facility. Detailed grading and drainage plans will be required when the property is platted or developed. Vehicular access is required to all stormwater detention facilities.

Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

The street layout and overall density appear to be generally consistent with the land use and special district proposed for this property. Circulation patterns and roadways proposed on the GDP provide access to abutting properties; however, the access connection to the east should align on the common lot line of the abutting properties. Lot configuration and roadway design will be reviewed in more detail at the time of platting.

Recommendation:

Based on the above criteria, staff would recommend that the following conditions should be imposed in order to assure compliance with the Rochester Zoning Ordinance and Land Development Manual:

- 1. The GDP shall be revised to
 - shift the local street connection shown to the property to the east to align on the common lot lone of the abutting properties
 - provide 30 foot mid-block pedestrian connections to the area identified as open space on the GDP.
- 2. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction / TID charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
- 3. Storm Water Management must be provided for this development. A Storm Water Management fee may apply to any areas of the Property that do not drain to an approved privately constructed on-site detention facility. Any storm water detention facility serving less than 50 developable acres shall remain in private ownership, and execution of an Ownership & Maintenance Agreement and applicable drainage and access easements will be required, as well as access for maintenance vehicles.
- 4. Pedestrian facilities (concrete sidewalk) will be required along both sides of all new public roads within this property, as well as, a 10 foot wide bituminous pedestrian path along the entire frontage of Pinewood Road SE. The Owner shall construct all required mid-block pedestrian connections, and dedicate said connections to the City as separate Outlots.
- 5. Prior to platting this property, the applicant shall complete a Wetland Delineation and submit it to the LGU for review and approval. Any applications to drain or fill



Page 7 GDP#207 Pinewood Ridge May 9, 2003

Wetlands for this development must be submitted to the LGU and acted upon (approved or denied) prior to final plat submittal.

- 6. Development of this property is limited to 1200adt prior to construction of a second access to serve this development.
- 7. The development will have a parkland dedication requirement of ± 1.8 acres. Dedication requirements can likely be met via the dedication of the open space indicated on the western portion of the development. The designs of the ponds will determine whether adequate lands meet the dedication standards following construction of the ponds. In the event that the area indicated "open space" remains private, the parkland dedication requirements will be cash in lieu of land.

ROCHESTER

--- Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE

Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX - 507-281-6216

FROM: Mark E. Baker

DATE: 5/5/03

The Department of Public Works has reviewed the application for <u>General Development Plan</u> #207 & Design Modification #03-08 for the proposed <u>Pinewood Ridge</u> development. The following are Public Works comments on this request:

- 1. Public Works has worked with the Owner on a design that is acceptable to the City. A revised GDP plan should be submitted showing the acceptable design.
- 2. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction / TID charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
- 3. The GDP plan indicates that Storm Water Management is proposed via a series of on-site privately constructed detention facilities. Any facilities serving less than 50 developable acres shall remain private and will require the execution of Maintenance & Ownership Agreement(s), and applicable Drainage and Access Easement(s). A Storm Water Management fee will be applicable to any areas of this property that do not drain to an approved privately constructed on-site detention facility.
- 4. Vehicular access is required to all stormwater detention facilities. The Owner will be required to demonstrate said access through the grading plan review process and platting stages of this development.
- 5. Ownership and maintenance of wetlands and non-developable private open space will be addressed in the Development Agreement.
- 6. Development of this property is limited to 1200adt prior to construction of a second access to serve this development.
- 7. Pedestrian facilities will be required, at the Applicant's expense, along both sides of all new public roads within this property, including the public road frontage along any Outlots. In addition, a 10 foot bituminous pedestrian path is required along the frontage of Pinewood rd SE.



ROCHESTER

Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

FROM: Mark E. Baker

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

- 8. Specific routing of sanitary sewer and water lines will be reviewed further during the preliminary design stages.
- 9. The proposed local street connecting to the east should be aligned on the common lot line of the abutting properties.

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and will include (rates below are current through 7/31/03):

- ❖ Sanitary Sewer Availability Charge (SAC) @ \$1,790.25 per developable acre.
- ❖ Water Availability Charge (WAC) @ \$1790.25 per developable acre.
- ❖ Substandard Street Reconstruction / TID for Pinewood Rd SE To Be Determined
- Storm Water Management, to be determined for any areas that do not drain to a privately constructed on-site detention facility.
- Traffic Signs as determined by the City of Rochester Traffic Division.
- NOTE: This property has previously paid for the J9436 Pinewood Rd SE Sanitary Sewer & Watermain extension project.



Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: General Development Plan #207 and Design Modification #03-08 (to vary the horiz. centerline curve radius for a local street) by By Us LLC to be known as Pinewood Ridge.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

- 1. The property may be subject to the water availability fee, connection fees or assessments. The Land Development Manager (507-281-6198) at the Public Works Department determines the applicability of these fees.
- 2. The northern most portion of this property is within the Main Level Water System area and the central and southern portions within the Southeast High Level Water System area. The engineer has indicated that they plan to only connect onto the high level water main, which is available at the intersection of Pinewood Rd. SE and 30th Ave SE.
- 3. Static water pressures (from the High Level System) within this area will range from the low 50's to the mid 100's PSI depending on final grades. The builders must install pressure-reducing devices near the domestic water meters as required by the Minnesota Plumbing Code.
- 4. The water main in the cul-de-sac streets must be looped and water mains must be extended to adjacent properties per our requirements.
- 5. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Gale Mount, Building & Safety
By Us LLC
Yaggy Colby Associates

Jour Richards -



ROCHESTER PARK AND RECREATION DEPARTMENT

April 25, 2003

TO:

Jennifer Garness

Planning

RE:

Pinewood Ridge General Development Plan #207

The development will have a parkland dedication of \pm 1.8 acres.

Dedication requirements for the development can likely be met via dedication of the open space indicated on the western edge of the development. The design of the ponds will determine whether adequate lands meeting dedication standards will remain following construction of the pond. The grading plan for the pond, the park land and accesses to the park area should be subject to Park Department review. Access to the open space from the local street needs to be provided.

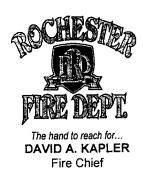
In the event the area designated "open space" remains private, the dedication requirement should be cash in lieu of land.

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: GDP #207, Pinewood Ridge

	The National Wetland Inventory indicates wetland exists on the site. No delineation or replacement plan has been acted on or approved by the LGU.
\boxtimes	Other or Explanation:
	No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
	A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
	A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
	A wetland delineation has been carried out for the property and is on file with the Planning Department.
\boxtimes	Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
	No hydric soils exist on the site based on the Soil Survey





DATE: April 21, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher

Fire Protection Specialist

SUBJ:

General Development Plan 207 by By Us LLC to be known as Pinewood Ridge. The

applicant is proposed to develop approximately 63 acres of land with single family

dwellings.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.

- Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
- 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
- 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- Donn Richardson, RPU, Water Division
 By Us LLC 1335 Wildflower Lane Chaska, MN 55318
 Yaggy Colby Associates 717 3rd Ave SE Rochester, MN 55904



PINEWOOD RIDGE GENERAL DEVELOPMENT PLAN

Pinewood Ridge is approximately 63 acres bounded by unplatted land to the south, unplatted land, Murphy's Replat, Dornacks 2 and Sonnenbergs Replat to the west, Pinewood Road S.E. to the north and Auditors Plat 'E' to the north and west.

The following is a written summary of the General Development Plan (GDP) in accordance with Appendix B E-3.

a) Topographic or soils conditions which, in the estimation of the applicant, may create potential problems in street, drainage, public utilities or building design and construction, and how these problems will be investigated further or engineered to overcome the limitations.

Preliminary soil borings on the property indicate bedrock between one to seven feet below the surface. Additional soil borings will be completed during the engineering phases to determine subsurface conditions and the bedrock depth in the areas of construction. Steeper areas with higher erosion potential are being avoided as much as possible as indicated by the street alignments. Hydric soils and wetlands do exist on the property and are located on the east and west sides as identified on the GDP. The exact size of these wetlands is not known at this time, but they will be delineated prior to a preliminary plat submittal for those specific areas. Decorah shale is present on the site and will be avoided as much as possible. Some of this area is shown on the GDP as open space. This shale zone will need to be crossed in areas, as streets will need to be extended for development connectivity.

b) Storm drainage problems which, in the estimation of the applicant, may result in costs that will exceed normal storm drainage costs.

The storm drainage does not appear to cause problems that will result in the increase of normal costs.

c) Identification of potential off-site drainage problems.

The applicant intends to construct ponds to handle the majority of the storm water run-off from this property. Participation in the city's storm water management plan will occur on a portion of the site. Possible participation with other developers upstream in constructing an onsite pond has been discussed. There should be no problems with off-site drainage created by this development.



Pinewood Ridge General Development Plan Page 2

d) Availability of utilities to serve the area under consideration.

Sanitary sewer and water service is available in Pinewood Road S.E. High Level Water service is required to service the southern half of the site and is available at the intersection of 30th Avenue and Pinewood Road S.E. The High Level Water service will be extended to the site along the south side of Pinewood Road S.E.

e) Identification of possible erosion problems which may arise in the estimation of the applicant.

The areas of steeper slopes will be avoided where possible. The majority of these areas are shown on the GDP in the rear of lots and will not be graded. Where development encroaches into the steeper slopes, erosion control measures will be incorporated into the grading plan during final design.

f) A general statement as to the possible phasing of any development activity to occur on the property under the control of the applicant.

Generally from north to the south, but a final phasing plan has not yet been determined.

6

Hearing Date: May 14, 2003

8. The applicant shall obtain an access permit from MnDOT for access to TH 63.

General Development Plan #207 by By Us LLC to be known as Pinewood Ridge. The Applicant is proposing to develop approximately 63 acres of land with single family dwellings. The property is proposed to be served by public roads and provides connections to adjacent properties. The property is located south of Pinewood Road SE and west of 30th Avenue SE with single family homes.

Ms. Mitzi A. Baker presented the staff report, dated May 9, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that the access location to property to the east needed to be reviewed and that an outlot for a pedestrian connection needs to be provided to the park/pond area.

Mr. Quinn stated that Pinewood Road SE is not in the 6 year CIP. He asked when it could be included. He also asked about limiting the development until a second access is provided.

Ms. Baker responded that the limiting of development until a second access is provided is a requirement of the Ordinance. Therefore, it didn't technically need to be a condition.

Ms. Baker explained the Water Quality Protection Program.

Ms. Baker stated that she was unsure of the timing to improve Pinewood Road SE since it is not in the 6 year CIP.

Mr. Quinn asked if the development would be affected by not having Pinewood Road SE in the 6 year CIP.

Ms. Baker responded that it could and that the City would need to monitor traffic volumes and development along Pinewood Road SE.

The applicant's representative, Wade DuMond of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN), addressed the Commission. He stated that the most recent plan showed 75 homes. Therefore, they should be below the trip threshold. He indicated that the applicant did not have any objections to the staff-recommended conditions.

Ms. Rivas asked why the local street on the south side would be widened.

Mr. DuMond responded that there would be medians in the roadway.

Ms. Rivas asked if the wetland on the east side would be retained.

Mr. DuMond responded that he was unsure as to the quality of those wetlands. He stated that they are currently being delineated.

Mr. Jonathan Hoyne, of 2824 Pinewood Road SE, Rochester MN, addressed the Commission. He asked how far from his property line the sidewalk would be located. He also asked about the size of the lake (pond), what type of parkland there would be, and how large it would be. He

201



Page 7

City Planning and Zoning Commission Minutes

Hearing Date: May 14, 2003

expressed concern with the type of lighting there could be into the entrance into the development.

Mr. DuMond stated that the right-of-way was approximately 20 to 40 feet, with regard to the sidewalk. He stated that the ponds have not been designed yet, so he was unsure how large they would be. He explained that they really wouldn't be a lake, since they are smaller. He stated that the parkland would cover 1.8 acres. The City Park Department would decide what would be put on the park. The lighting into the development is directed by City standards. He explained what a typical lighting fixture would look like.

Mr. Burke asked if the entrance into the subdivision would have signage on the island.

Mr. DuMond responded that it was a divided roadway and was unsure if signage would be used.

Mr. Pete Murphy, of 2722 26th Avenue SE, Rochester MN, addressed the Commission. He asked how deep the pond would be and if it would dump into the storm drains.

Mr. DuMond responded that they were required to provide for overflow and discussed their proposed plan. He stated that the State requires the pond to have 3 to 4 feet of water due to quality. However, he did not believe that there is anything that states that they cannot go deeper.

Mr. Quinn asked if a neighborhood meeting was held.

Mr. DuMond responded no, as it was not required.

Mr. Jim Claire, of 2718 26th Avenue SE, Rochester MN, addressed the Commission. He asked if the neighboring properties could receive a packet and map. He stated that he believed that a water tower would be located in that area in the future. He asked that a neighborhood meeting be held to discuss the details since it is new to him. He expressed concerns with traffic, ice, and drainage runoff on Pinewood Road SE.

Ms. Baker explained the Planning Department's notification process and explained that the notification is sent to property owners so they can attend the meetings to find out more about the proposed developments. She further explained that staff's name and phone number are listed on each notification postcard, as well as the web site address that shows the staff reports.

Mr. Staver explained that the development would go through a multiple step process. At this time, it is at a conceptual stage. He indicated that there would be additional public hearings as the property is developed.

Mr. Jonathan Hoyne, of 2824 Pinewood Road SE, Rochester MN, addressed the Commission. He asked what type of reconstruction would occur on Pinewood Road SE and what the time frame would be of the first home being constructed. He asked how many lanes Pinewood Road SE would have.

Ms. Wiesner stated that there are no details with regard to the reconstruction of Pinewood Road SE, since it is not in the 6 year CIP.



Ms. Baker stated that the existing right-of-way adjacent to the developed areas of Pinewood Road SE would be a restriction of what could be done. She explained possible capacity improvements.

Ms. Baker pointed out that 30th Avenue SE is within near proximity of the property and could foresee it being used by the development.

Discussion ensued regarding what an upgraded collector road consists of. Ms. Baker reiterated that it depended on the volume of traffic that needs to be accommodated.

Mr. DuMond stated that the developer was present and was willing to meet with neighbors after the meeting in the hallway. He stated that they propose to begin grading in the fall and building homes in early spring of next year.

Ms. Patricia Hrabe, of 2735 Fairview Court SE, Rochester MN, addressed the Commission. She expressed concern regarding traffic and stated that she did not believe the new development would use 30th Avenue SE. She also expressed concern with school bus traffic on Pinewood Road SE and the maintenance of the ponds.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Burke moved to recommend approval of General Development Plan #207 by By Us LLC to be known as Pinewood Ridge with the staff-recommended findings and conditions. Ms. Rivas seconded the motion. The motion carried 8-0.

CONDITIONS:

- 1. The GDP shall be revised to:
 - shift the local street connection shown to the property to the east to align on the common lot lone of the abutting properties
 - provide 30 foot mid-block pedestrian connections to the area identified as open space on the GDP.
- 2. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction / TID charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
- 3. Storm Water Management must be provided for this development. A Storm Water Management fee may apply to any areas of the Property that do not drain to an approved privately constructed on-site detention facility. Any storm water detention facility serving less than 50 developable acres shall remain in private ownership, and execution of an Ownership & Maintenance Agreement and applicable drainage and access easements will be required, as well as access for maintenance vehicles
- 4. Pedestrian facilities (concrete sidewalk) will be required along both sides of all new public roads within this property, as well as, a 10 foot wide bituminous pedestrian path along the entire frontage of Pinewood Road SE. The Owner shall construct all required mid-block pedestrian connections, and dedicate said connections to the City



age 9

City Planning and Zoning Commission Minutes

Hearing Date: May 14, 2003

as separate Outlots.

- 5. Prior to platting this property, the applicant shall complete a Wetland Delineation and submit it to the LGU for review and approval. Any applications to drain or fill Wetlands for this development must be submitted to the LGU and acted upon (approved or denied) prior to final plat submittal.
- 6. Development of this property is limited to 1200 adt prior to construction of a second access to serve this development.
- 7. The development will have a parkland dedication requirement of ± 1.8 acres.

 Dedication requirements can likely be met via the dedication of the open space indicated on the western portion of the development. The designs of the ponds will determine whether adequate lands meet the dedication standards following construction of the ponds. In the event that the area indicated "open space" remains private, the parkland dedication requirements will be cash in lieu of land.

Conditional Use Permit(s) # 03-11 and Variance(s) #03-07 by Zumbro River Constructors.

The applicant is seeking approval to permit excavation of property located south of Lake George, north of the Zumbro River and west of TH 52. Excavation is proposed to provide construction materials for the TH 52 improvement project and would include haul route access directly to TH 52. This property includes approximately 10 acres of land zoned R-1 (Mixed Single Pamily Residential), which is also in the Flood Districts and Shoreland District. Multiple Conditional Use Permits and Variances will be considered as part of this application.

Ms. Mitzi A. Baker presented the staff report, dated May 8, 2003, to the Commission. The staff report is on file at the Rochester Olmsted Planning Department.

Ms. Baker explained that additional information is needed regarding lighting. She explained that McGhie & Betts is aware and is working on gathering that information for staff.

Ms. Baker stated that staff received two letters today from Roy Watson and Tom Murray. These letters were given to the Commissioners prior to the meeting.

Ms. Wiesner asked if the bid was contingent upon approval of the conditional use permit.

Ms. Baker responded that she did not believe so.

Discussion ensued regarding what earth materials could be used for the site.

Mr. Burke asked if there would be any type of monitoring system to make sure no contaminated material is put on the site.

Ms. Baker responded that she was unsure. The only materials that could be dumped there would be earth materials. She suggested that it could be added as a condition upon approval.

Mr. Quinn asked for Ms. Baker to word a recommended condition regarding the materials that can be put on the site.

REQUEST FOR COUNCIL ACTION

MEETING DATE: 06-02-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. 8
ITEM DESCRIPTION: Land Subdivision Permit Viola Hills Subdivision, by Todd Ustby.	(Preliminary Plat) #03-13 to be known as	PREPARED BY: Theresa Fogarty, Planner

May 28, 2003

NOTE: The applicant has submitted a revised preliminary plat. Condition No. 1 has been revised and can be removed. Text to be removed shall be shown as strikeout text.

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on May 14, 2003 to consider this preliminary plat.

Mr. Mark Welch of GGG Engineering, the applicant's representative, stated that he would submit a revised plan to staff and that the applicant did not have any objections to the recommended conditions.

The Planning Commission found that this preliminary plat will conform with the applicable criteria with the following conditions or modifications:

1. The Plat shall be revised:

- a. Identifying the roadway illustrated as "Lisa Drive NE" as "Lisa Lane NE".
- b. Identifying the temporary roadway as "Lisa Lane NE".
- c. Illustrating the intersection of "Lisa Drive NE" with CR 2 at a right angle aligning with Shannon Oaks access to the south.
- 2. Dedication of parkland shall be met via cash in lieu of land per the April 25, 2003 Memorandum from the Rochester Park and Recreation Department.
- 3. The cul-de-sacs identified as "Lisa Lane NE" and "Shelly Lane NE" shall be posted "No Parking" and the roadways to be identified as "Lisa Lane NE" and "Shelly Lane NE", shall posted "No Parking" along one side of the roadway.
- 4. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, the ownership & maintenance of the proposed Private Lift Station shown on Outlot "C" and Ownership and Maintenance of the pond to be located on Outlot "B", as well as, the off-site portion of the detention facility, including off-site drainage easement.
- 5. The owner shall be responsible for a Storm Water Management Fee which will be applicable for the benefit of the participation in the City's SWMP, for any area that do not drain to an on-site facility.
- 6. The owner shall execute with the City a Maintenance and Ownership Agreement for the private lift station Outlot, for force main sanitary sewer. The Owner may be required to provide an escrow account or other surety to address the cost for the future removal of the proposed private lift station and connection to gravity flow sanitary sewer.

	·	
COUNCIL ACTION: Motion by:	Second by: to:	

RCA
Preliminary Plat – 03-13
Viola Hills Subdivision
5/28/2003

- 7. Grading and Drainage Plan approval is required prior to Final Plat submittal. Site grading must accommodate the planned centerline profile and cross section for Viola Road NE reconstruction.
- 8. Dedication of off-site easements shall be required prior to final plat approval for the proposed temporary access drive. The location of the temporary access drive is subject to County Public Works approval, and the design of the temporary access is subject to approval by the City Engineer.
- 9. Dedication of controlled access shall be required through the Final Plat for the entire frontage of CSAH 2 (Viola Road NE), with the exception of the proposed public road access, as shown on the Preliminary Plat. The owner is responsible to have a roadway sign installed at the intersection of "Shaeffer Lane NE" and the temporary roadway to be identified as "Lisa Lane NE", until such time "Lisa Lane NE" access is directly onto Viola Road NE. The Owner is also required to provide turn lanes from CSAH 2.
- 10. Pedestrian facilities shall be required, at the Owner's expense, along both sides of all new public roadways within this development. In addition, the Owner is obligated for providing a 10 foot wide bituminous pedestrian path along the entire frontage of CSAH 2 (Viola Road NE).
- 11. No connection to the service line, proposed to serve the property abutting the east line of this subdivision, will be allowed until the abutting property has been annexed, and a Utility Connection Agreement has been executed by the Owner of said property.

Mr. Burke moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-13 to be known as Viola Hills Subdivision by Todd Ustby with the staff-recommended findings and conditions. Mr. Ohly seconded the motion. The motion carried 8-0.

Planning Department Recommendation:

See attached staff report, dated May 9, 2003.

Council Action Needed:

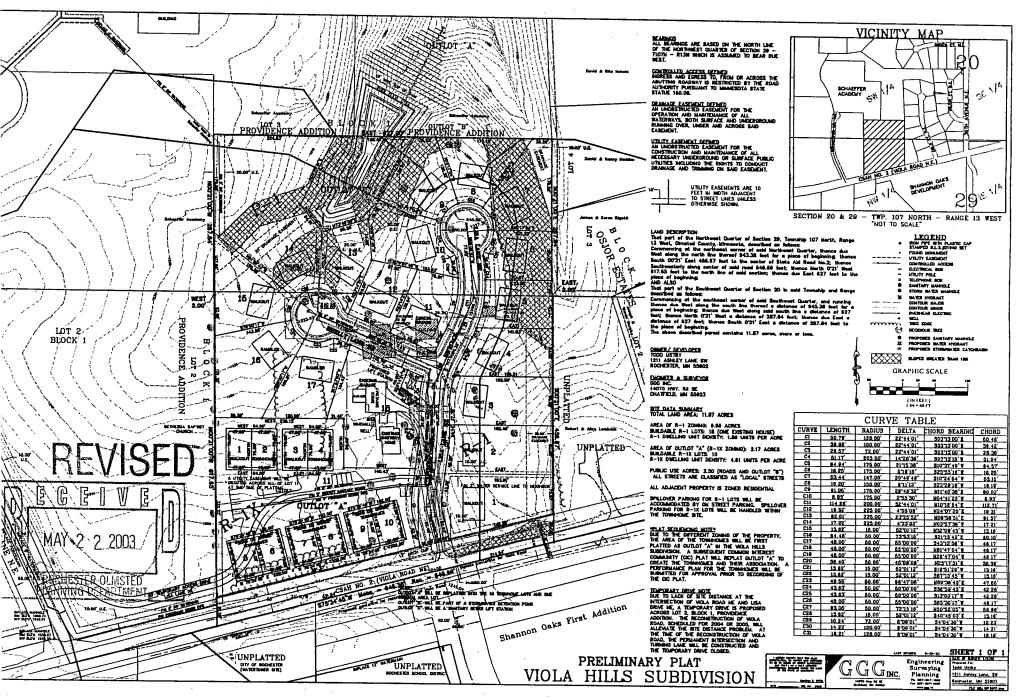
1. The Council may approve, approve with conditions, or deny the land subdivision permit. The Council must make findings of fact based on the criteria included in the staff report. A motion to deny must include supporting reasons for a conclusion that at least one of the fifteen findings for denial in paragraph 61.225 can be made.

Attachments:

- 1. Staff report, dated May 9, 2003.
- 2. Minutes of the May 14, 2003 CPZC Meeting.
- 3. Revised copy of Preliminary Plat

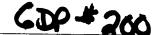
Distribution:

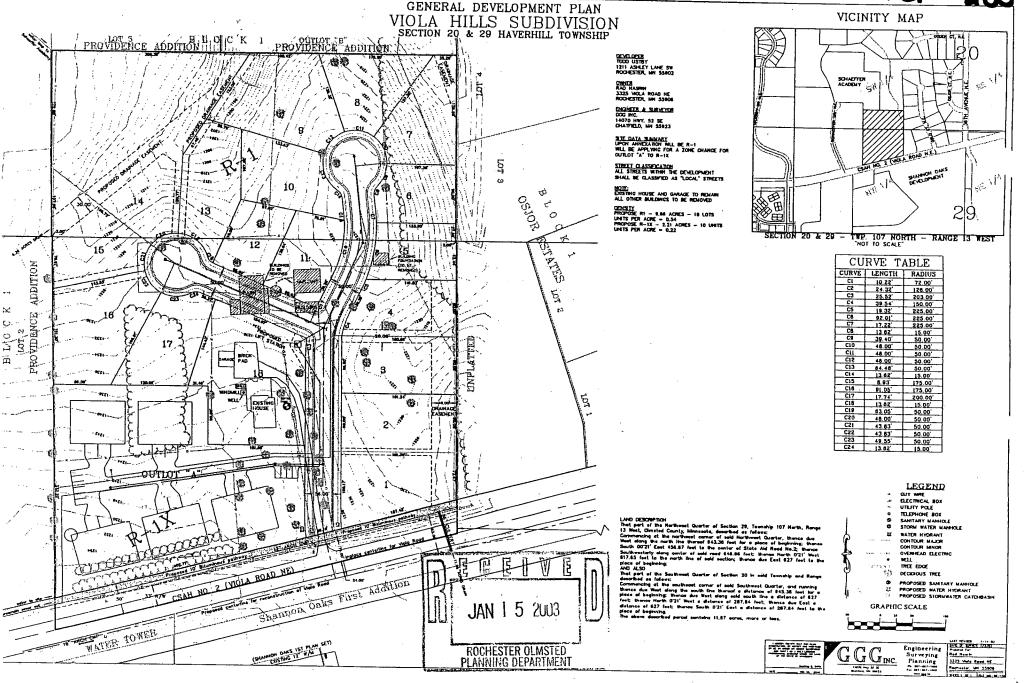
- 1. City Administrator
- 2. City Attorney
- 3. Planning Department File
- 4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, June 2, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
- 5. GGG Engineering

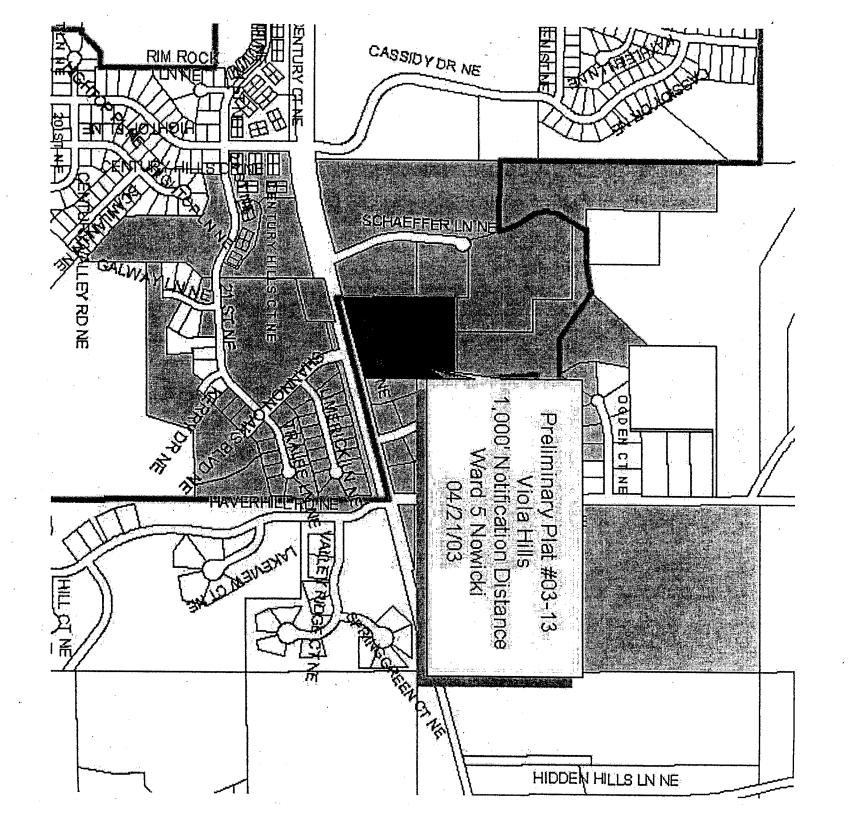


Approved 3-17-03 WIT Conditions

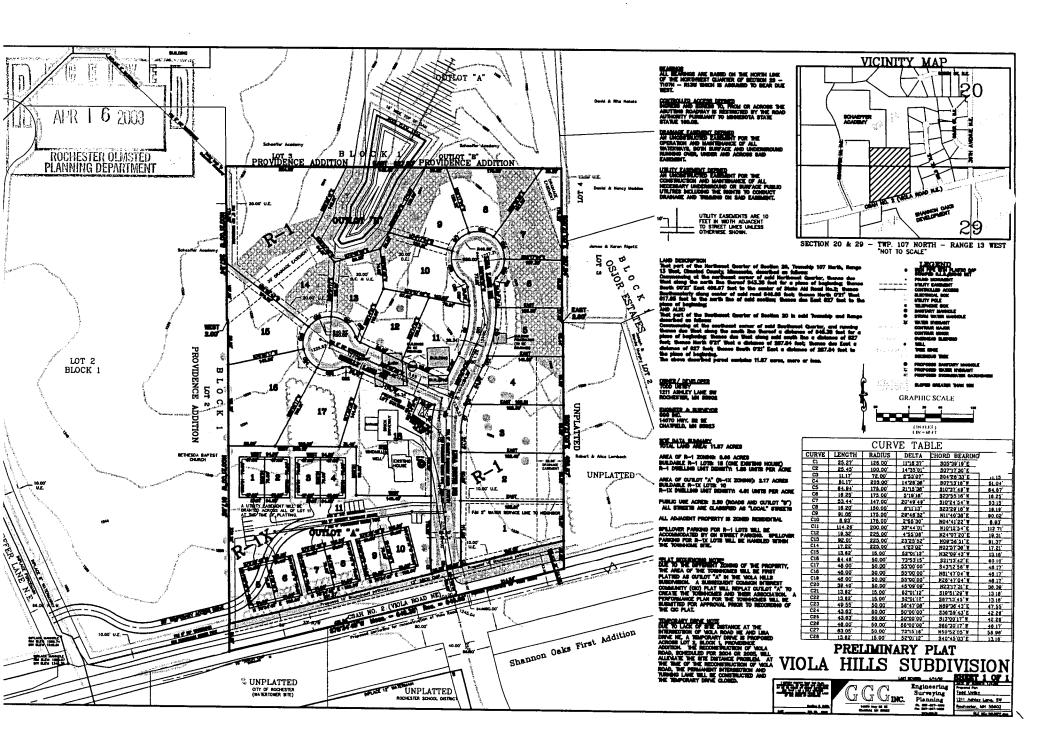
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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744





TO:

City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE:

May 9, 2003

RE:

Land Subdivision Permit (Preliminary Plat) #03-13 to be known as Viola Hills Subdivision by Todd Ustby. The Applicant is proposing to subdivision approximately 11.87 acres of land into 18 lots for single family detached dwellings and 11 lots for single family attached dwellings and two Outlots. The Plat also proposes to dedicate new public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located west of Osjor Estates, east of Schaeffer Lane and north of Viola Road (CR 2).

Planning Department Review:

Applicant/Owner:

Todd Ustby

1211 Ashley Lane

Rochester, MN 55902

Surveyors/Engineers:

GGG Engineering

14070 Highway 52 SE Chatfield, MN 55923

Referral Comments:

Park and Rec. Department

Rochester Public Works Department Planning Department - Addressing staff

Rochester Fire Department

Report Attachments:

1. Land Development Manual Excerpts

2. Referral Comments (4 letters)

3. Location Map

4. Copy of Preliminary Plat

5. Viola Hills General Development Plan

Development Review:

Location of Property:

The property is located west of Osjor Estates, east of

Schaeffer Lane and north of Viola Road (CR 2).





Page 2 Preliminary Plat #03-13 Viola Hills May 9, 2003

Zoning:

Proposed Development:

Roadways:

Of the total 11.87 acres, 9.66 acres is currently zoned R-1 Mixed Single Family) district and 2.17 acres is zoned (R-1x (Mixed Single Family Extra) on the City of Rochester Zoning Map.

This development consists of 11.87 acres of land to be subdivided into 18 lots for single family detached dwellings and 11 lots for single family attached dwellings and two outlots.

This plat proposes to dedicate right-of-way for three new roadways.

The first roadway identified as "Lisa Drive NE" is designed with a 56 right-of-way. The roadways identified as "Lisa Drive NE" and "Lisa Lane NE" can be combined into one roadway designation. Change "Lisa Drive NE" to "Lisa Lane NE". This roadway is indicated less than 36 feet and will require "No Parking" signage along one side of the street.

The second roadway identified as "Lisa Lane NE" is designed with a 56' right-of-way, ending in a cul-de-sac with a 50' radius. This cul-de-sac is indicated less than 96 feet and therefore shall be posted "No Parking". The roadway is indicated less than 36 feet and will require "No Parking" signage along one side of the street.

The third roadway named "Shelley Lane NE" is designed with a 50' right-of-way ending in a cul-de-sac with a 50" radius. This cul-de-sac is indicated less than 96 feet and therefore shall be posted "No Parking". The roadway is indicated less than 36 feet and will require "No Parking" signage along one side of the street.

The temporary roadway is designed with a 20' width. With "Lisa Drive NE" having no access directly onto Viola Road NE for approximately two or three years, but having the temporary access from Schaeffer Lane NE, the temporary access will need to be signed and designated. The designation for the temporary access shall be "Lisa Lane NE" and have a roadway sign installed at the intersection with Schaeffer Lane NE.

Dedication of controlled access will be required through the Final Plat for the entire frontage of CSAH 2 (Viola Road NE), with the exception of the proposed public roadway access, as shown on the preliminary plat.

Dedication of off-site easement will be required prior to final plat approval for the proposed temporary access drive. The location of the temporary access drive is subject to County Public Works approval, and the design of the temporary access is subject to approval by the City Engineer.

Page 3 Preliminary Plat #03-13 Viola Hills May 9, 2003 219

Pedestrian Facilities:

In accordance with City policy, Pedestrian Facilities are required at the Owner's expense, along both sides of all new roadways within this development. In addition, the Owner is obligated to provide a 10' bituminous pedestrian path along the entire frontage of CSAH 2 (Viola Road NE).

Drainage:

The property generally drains from south to north.

Grading and Drainage Plan approval is required prior to Final Plat submittal. Site grading must accommodate the planned centerline profile and cross section for Viola Road NE reconstruction.

Wetlands:

Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils. Based on the Soil Survey, no hydric soils exist on the site.

Public Utilities:

Static water pressures within this area will range from 48 to 59 PSI.

As shown on the preliminary plat, there will be a private storm water detention pond built for this development. Ownership and maintenance of the pond Outlot, as well as, the off-site portion of the detention facility, including off-site drainage easements, shall be addressed in the Development Agreement. A Storm Water Management fee will be applicable for the benefit of participation in the City's SWMP, for any areas that do not drain to an on-site facility.

Execution of a Maintenance and Ownership Agreement shall be required for the private lift station Outlot, and force main sanitary sewer. The Owner may be required to provide an escrow account or other surety to address the cost for the future removal of the proposed private lift station and connection to gravity flow sanitary sewer.

No connection to the service line, proposed to serve the property abutting the east line of this subdivision will be allowed until the abutting property has been annexed, and a Utility Connection Agreement has been executed by the Owner of said property.

Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 35 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well. The Owner should be encouraged to provide unit mail boxes to limit the loss of on street parking for the proposed townhome development.



Page 4 Preliminary Plat #03-13 Viola Hills May 9, 2003

Parkland Dedication:

The City Park and Recreation Department

recommends that dedication requirements be met via:

Cash in lieu of land with payment due prior to

recordation of the final plat.

General Development Plan:

This property is included within the Viola Hills General Development Plan (GDP). The Viola Hills General Development Plan was approved by the City Council at their March 17, 2003 meeting with the following condition: The public road access at CR 2 will need to be realigned to intersect at right angles and to align with Shannon Oaks access to the south. The preliminary plat as submitted needs to be revised to illustrate the intersection of "Lisa Drive NE" with CR 2 at a right

angle aligning with Shannon Oaks access to the south.

Substantial Land Alteration:

This application includes a request for approval of land disturbing activities for construction of a stormwater detention pond.

According to Section 61.1102 (1) of the Rochester Zoning Ordinance and Land Development Manual (LDM) "Except as required for a reclamation plan, which may be imposed on any of the following activities as part of any required City permit or approval process, the provisions of these Sections 62.1100 through 62.1114 shall not apply to the following activities: (b) storm water management facilities or other public infrastructure approved by the City.

Approval of a Substantial Land Alteration is not required for the construction of the stormwater detention pond.

Preliminary Plat Staff Review and Recommendation:

Section 61.225 of the Land Development Manual lists the findings which must be considered by the Planning Commission and the Council when reviewing a land subdivision permit application. This section is attached for your information.

The Planning staff has reviewed this preliminary plat request for compliance with the Rochester Zoning Ordinance and Land Development Manual including Section 61.225 of the LDM. A Development Agreement has been executed with the City, therefore the staff recommends approval with the following conditions / modifications:

- 1. The Plat shall be revised:
 - a. Identifying the roadway illustrated as "Lisa Drive NE" as "Lisa Lane NE".
 - b. Identifying the temporary roadway as "Lisa Lane NE".
 - c. Illustrating the intersection of "Lisa Drive NE" with CR 2 at a right angle aligning with Shannon Oaks access to the south.
- 2. Dedication of parkland shall be met via cash in lieu of land per the April 25, 2003 Memorandum from the Rochester Park and Recreation Department.

Page 5 Preliminary Plat #03-13 Viola Hills May 9, 2003



- 3. The cul-de-sacs identified as "Lisa Lane NE" and "Shelly Lane NE" shall be posted "No Parking" and the roadways to be identified as "Lisa Lane NE" and "Shelly Lane NE", shall posted "No Parking" along one side of the roadway.
- 4. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, the ownership & maintenance of the proposed Private Lift Station shown on Outlot "C" and Ownership and Maintenance of the pond to be located on Outlot "B", as well as, the off-site portion of the detention facility, including off-site drainage easement.
- 5. The owner shall be responsible for a Storm Water Management Fee which will be applicable for the benefit of the participation in the City's SWMP, for any area that do not drain to an on-site facility.
- 6. The owner shall execute with the City a Maintenance and Ownership Agreement for the private lift station Outlot, for force main sanitary sewer. The Owner may be required to provide an escrow account or other surety to address the cost for the future removal of the proposed private lift station and connection to gravity flow sanitary sewer.
- 7. Grading and Drainage Plan approval is required prior to Final Plat submittal. Site grading must accommodate the planned centerline profile and cross section for Viola Road NE reconstruction.
- 8. Dedication of off-site easements shall be required prior to final plat approval for the proposed temporary access drive. The location of the temporary access drive is subject to County Public Works approval, and the design of the temporary access is subject to approval by the City Engineer.
- 9. Dedication of controlled access shall be required through the Final Plat for the entire frontage of CSAH 2 (Viola Road NE), with the exception of the proposed public road access, as shown on the Preliminary Plat. The owner is responsible to have a roadway sign installed at the intersection of "Shaeffer Lane NE" and the temporary roadway to be identified as "Lisa Lane NE", until such time "Lisa Lane NE" access is directly onto Viola Road NE. The Owner is also required to provide turn lanes from CSAH 2.
- 10. Pedestrian facilities shall be required, at the Owner's expense, along both sides of all new public roadways within this development. In addition, the Owner is obligated for providing a 10 foot wide bituminous pedestrian path along the entire frontage of CSAH 2 (Viola Road NE).
- 11. No connection to the service line, proposed to serve the property abutting the east line of this subdivision, will be allowed until the abutting property has been annexed, and a Utility Connection Agreement has been executed by the Owner of said property.

Page 6
Preliminary Plat #03-13
Viola Hills
May 9, 2003

Reminder to Applicant:

- Prior to development, the property owner will need to execute a City / Owner Contract for construction of all public infrastructure and utilities to serve this subdivision.
- This Plat is subject to the Subdivision regulations which became effective May 15, 1999. Approved grading, drainage and construction plans will need to be submitted with the final plat application, if the applicant intends to record the final plat documents prior to completion of infrastructure improvements.

Page 7 Preliminary Plat #03-13 Viola Hills May 9, 2003



CITY OF ROCHESTER ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL EXCERPTS

61.225 Finding for Land Subdivision:

The Zoning Administrator, Commission or Council shall approve a development permit authorizing a land subdivision if all of the following findings with respect to the proposed development are made:

- A. The proposed land subdivision conforms to all relevant requirements of this ordinance and variances have been granted to permit any nonconformance.
- B. That the proposed water system and sanitary sewer system are adequate to serve the normal and fire protection demands of proposed development and to provide for the efficient and timely extension to serve future development.
- C. That the plan for soil erosion and stormwater management meets the adopted standards of the City of Rochester and is consistent with the adopted Stormwater Management Plan or adopted drainage or stormwater policies.
- D. That the vehicular and non-motorized system is consistent with adopted transportation plans and is consistent with the street layout standards listed in Section 64.120 and traffic service standards in Section 61.526.
- E. That the lot and block layout provide for safe and convenient vehicular, service and emergency access, efficient utility service connections, and adequate buildable area in each lot for planned uses.
- F. That the proposed land subdivision has taken into account the current 6-Year and other Long-Range Capital Improvements Programs and the elements listed therein in the design of the subdivision.
- G. That the proposed subdivision, if in a resident zoning district, -addresses the need for spillover parking consistent with the requirements of Section 63.426.
- H. That right-of-ways and easements of adequate size and dimensions are -provided for the purpose of constructing the street, utility, and drainage facilities needed to serve the development.
- I. That the proposed parks, trail thoroughfares and open space dedications are consistent with adopted plans, policies and regulations.
- J. That the proposed subdivision will not have off-site impacts on the street, drainage, water or wastewater systems that exceed adopted standards.
- K. That the proposed subdivision will not have adverse impacts on the safety or viability of permitted uses on adjacent properties.
- L. That the proposed land subdivision is designed in such a manner as to allow for continued development in an efficient manner on adjacent undeveloped lands.



Page 8 Preliminary Plat #03-13 Viola Hills May 9, 2003

- M. That the soils, topography and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.
- N. That the proposed land subdivision is consistent with the standards of the City's adopted Comprehensive Plan.
- O. That any land located within Zone A as shown as on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, Rochester, Minnesota prepared by the Federal Emergency Management Agency, is -determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitation for development, severe erosion potential or any other floodplain related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this ordinance.
- P. That the proposed land subdivision, if approved, would not result in a violation of federal or state law, or the city or county ordinance.

61.226 Conditions on Approvals:

In considering an application for development permit to allow a land subdivision, the approving body shall consider and may impose modification or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Section 61.225.

Effective May 15, 1999



ROCHESTER PARK AND N. CREATION DEPARTMENT 201 FOURTH STREET SE ROCHESTER MINNESOTA 55904-3769 TELE 507-281-6160 FAX 507-281-6165

MEMORANDUM

DATE:

April 25, 2003

TO:

Jennifer Garness

Planning

RE:

Viola Hills

Preliminary Plat #03-13

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land with payment due prior to recordation of the final plat.



This is actually □ page 226

ROCHESTER

— Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 5/5/03

The Department of Public Works has reviewed the application for <u>Preliminary Plat #03-13</u> for the proposed <u>Viola Hills Subdivision</u>. The following are Public Works comments on this request:

- 1. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, and ownership & maintenance of the proposed Private Lift Station shown on Outlot 'C'.
- 2. Grading & Drainage Plan approval is required prior to Final Plat submittal. Site grading must accommodate the planned centerline profile and cross section for Viola Rd NE reconstruction.
- 3. As shown on the preliminary plat, there will be a private storm water detention pond built for this development. Ownership and maintenance of the pond Outlot, as well as, the off-site portion of the detention facility, including off-site drainage easements, will be addressed in the Development Agreement. A Storm Water Management fee will be applicable for the benefit of participation in the City's SWMP, for any areas that do not drain to an on-site facility.
- 4. Execution of a Maintenance and Ownership Agreement will be required for the private lift station Outlot, and force main sanitary sewer. The Owner may be required to provide an escrow account or other surety to address the cost for the future removal of the proposed private loft station and connection to gravity flow sanitary sewer.
- 5. Pedestrian facilities are required at the Owner's expense along both sides of all new public roads within this development. In addition, the Owner is obligated for providing a 10 foot wide bituminous pedestrian path along the entire frontage of CSAH 2 (Viola Rd NE).
- Dedication of controlled access will be required through the Final Plat for the entire frontage of CSAH 2 (Viola Rd NE), with the exception of the proposed public road access, as shown on the Preliminary Plat.
- 7. Dedication of off-site easements will be required prior to final plat approval for the proposed temporary access drive. The location of the temporary access drive is subject to County Public Works approval, and the design of the temporary access is subject to approval by the City Engineer.

ROCHESTER



Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

- 8. Execution of a City-Owner Contract will be required prior to construction of any public infrastructure to serve this property.
- 9. The proposed public roadway shall intersect Viola rd NE at a 90 degree angle.
- 10. No connection to the service line, proposed to serve the property abutting the east line of this subdivision, will be allowed until the abutting property has been annexed, and a Utility Connection Agreement has been executed by the Owner of said property.
- 11. Preliminary Construction plan comments will be provided separately to the applicant's Engineer.

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and will include (rates below are current through 7/31/03):

- ❖ Water Availability Charge @ \$1790.25 per developable acre
- Sewer Availability Charge (SAC) @ \$1790.25 per developable acre.
- ❖ Storm Water Management TBD
- ❖ Street Signs, as determined by the City Engineer







Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: N

May 1, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff

Rochester-Olmsted County Planning Department

CC:

Mark Welch; GGG Engineering

RE:

VIOLA HILLS SUBDIVISION

PRELIMINARY PLAT #03-13

A review of the **preliminary plat** has turned up the following **ADDRESS** and **ROADWAY** related issues.

1. The roadways illustrated as LISA LANE NE and LISA DRIVE NE could be combined into one roadway designation.

RECOMMENDATION: Change Lisa Drive NE and Lisa Lane NE to LISA LANE NE.

2. With Lisa Drive NE having no access directly onto Viola Road NE for two or three years, but having temporary access from Schaeffer Lane NE. The temporary access will need to be signed and designated.

RECOMMENDATION: Designated temporary access as LISA LANE NE, and have roadway sign installed at intersection with Schaeffer Lane NE.



DATE: April 23, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher

Fire Protection Specialist

SUBJ:

Land Subdivision Permit (preliminary plat) 03-13 by Todd Ustgy to be know as Viola Hills

Subdivision.

With regard to the above noted project plan, the fire department has the following requirements:

- An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
- Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.

Cul-de-sacs less than 96 feet in diameter shall be marked "No Parking" along the cul-de-sac. The cul-de-sac associated with this plan is indicated as less then 96 feet and therefore shall be marked "No Parking".

Streets less than 36 feet in width shall be posted "No Parking" along one side of the street. The streets associated with this plan are indicated as less than 36 feet and will require "No Parking" signage along one side of the streets.

- 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
- 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- Donn Richardson, RPU, Water Division
 Todd Ustby 1211 Ashley Lane Rochester, MN 55902
 GGG Engineering 14070 Highway 52 SE Chatfield, MN 55923



City Planning and Zoning Commission Minutes

Hearing Date: May 14, 2003

Mr. Staver moved to recommend approval of Text Amendment #03-04 initiated by the City. Planning and Zoning Commission as recommended by staff. Mr. Quinn seconded the motion. The motion carried 8-0.

Land Subdivision Permit (Preliminary Plat) #03-13 to be known as Viola Hills Subdivision by Todd Ustby. The Applicant is proposing to subdivide approximately 11.87 acres of land into 18 lots for single family detached dwellings and 11 lots for single family attached dwellings and one Outlot. The Plat also proposes to dedicate new public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located west of Osjor Estates, east of Schaeffer Lane and north of Viola Road (CR 2).



Ms. Baker explained that the Commission would only need to take action on the preliminary plat, as the substantial land alteration applied for falls under the exemptions in the Land Development Manual for the stormwater pond.

Ms. Mitzi A. Baker presented the staff report, dated May 9, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker explained that there would be a temporary access to the plat that would go to the west and shows up as a narrow roadway/driveway connecting to Schaeffer Lane.

Discussion ensued regarding roadway connections and realignments.

The applicant's representative, Mr. Mark Welch, of GGG Engineering (14070 Highway 52 SE, Chatfield MN), addressed the Commission. He stated that he would get a revised plan to staff and that the applicant did not have any objections to the recommended conditions.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Burke moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-13 to be known as Viola Hills Subdivision by Todd Ustby with the staff-recommended conditions. Mr. Ohly seconded the motion. The motion carried 8-0.

CONDITIONS:

- The Plat shall be revised:
 - a. Identifying the roadway illustrated as "Lisa Drive NE" as "Lisa Lane NE"
 - b. Identifying the temporary roadway as "Lisa Lane NE".
 - c. Illustrating the intersection of "Lisa Drive NE" with CR 2 at a right angle aligning with Shannon Oaks access to the south.
- 2. Dedication of parkland shall be met via cash in lieu of land per the April 25, 2003 Memorandum from the Rochester Park and Recreation Department.
- 3. The cul-de-sacs identified as "Lisa Lane NE" and "Shelly Lane NE" shall be posted



"No Parking" and the roadways to be identified as "Lisa Lane NE" and "Shelly Lane NE", shall posted "No Parking" along one side of the roadway.

- 4. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, the ownership & maintenance of the proposed Private Lift Station shown on Outlot "C" and Ownership and Maintenance of the pond to be located on Outlot "B", as well as, the off-site portion of the detention facility, including off-site drainage easement.
- 5. The owner shall be responsible for a Storm Water Management Fee which will be applicable for the benefit of the participation in the City's SWMP, for any area that do not drain to an on-site facility.
- 6. The owner shall execute with the City a Maintenance and Ownership Agreement for the private lift station Outlot, for force main sanitary sewer. The Owner may be required to provide an escrow account or other surety to address the cost for the future removal of the proposed private lift station and connection to gravity flow sanitary sewer.
- Grading and Drainage Plan approval is required prior to Final Plat submittal. Site grading must accommodate the planned centerline profile and cross section for Viola Road NE reconstruction.
- 8. Dedication of off-site easements shall be required prior to final plat approval for the proposed temporary access drive. The location of the temporary access drive is subject to County Public Works approval, and the design of the temporary access is subject to approval by the City Engineer.
- 9. Dedication of controlled access shall be required through the Final Plat for the entire frontage of CSAH 2 (Viola Road NE), with the exception of the proposed public road access, as shown on the Preliminary Plat. The owner is responsible to have a roadway sign installed at the intersection of "Shaeffer Lane NE" and the temporary roadway to be identified as "Lisa Lane NE", until such time "Lisa Lane NE" access is directly onto Viola Road NE. The Owner is also required to provide turn lanes from CSAH 2.
- 10. Pedestrian facilities shall be required, at the Owner's expense, along both sides of all new public roadways within this development. In addition, the Owner is obligated for providing a 10 foot wide bituminous pedestrian path along the entire frontage of CSAH 2 (Viola Road NE).
- 11. No connection to the service line, proposed to serve the property abutting the east line of this subdivision, will be allowed until the abutting property has been annexed, and a Utility Connection Agreement has been executed by the Owner of said property.



REQUEST FOR COUNCIL ACTION

MEETING 6-2-03 233/

AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	E-9
ITEM DESCRIPTION: Final Plat #02-41 to be kno	PREPARED BY: Mitzi A. Baker, Senior Planner	

May 28, 2003

Staff Recommendation:

The Planning Staff has reviewed the submitted final plat and recommends approval subject to the following conditions or modifications:

- 1. Roadway names must be modified on the Final Plat documents consistent with the referral comments from the Planning Department GIS/Addressing staff memo dated May 21, 2003.
- 2. Parkland dedication requirements shall be met via cash in lieu of land, with payment due prior to recording the Final Plat Documents.
- 3. The developer will be limited to 49 building units on this plat until a second access is constructed for the development.
- 4. GIS Impact Fee and E911 Fee shall be paid for this Subdivision prior to recording the Final Plat Documents, per the May 21, 2003 memorandum from the Planning Department GIS/Addressing staff.
- 5. Prior to recording the Final Plat documents, the applicant or consultant shall verify weather building and property boundary separation provided complies with the Building Code requirements for property line setbacks (a memo was previously circulated to the local consulting firms outlining these requirements in both written and graphic form).

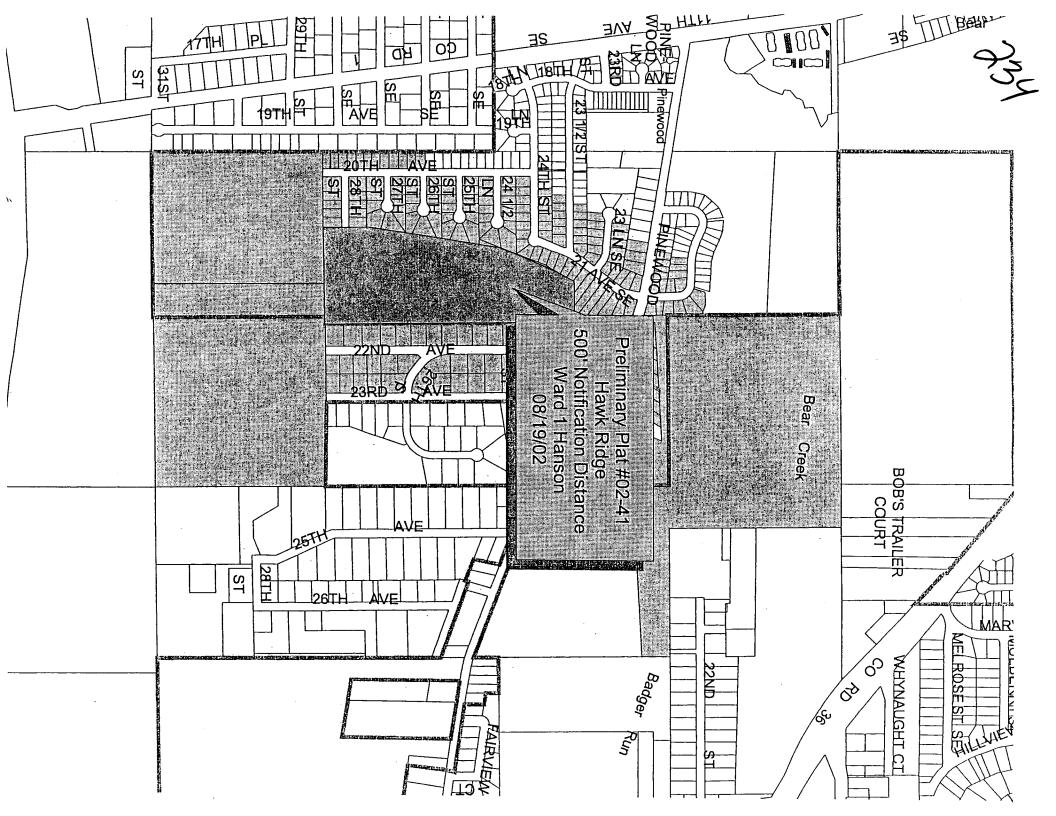
Council Action Needed:

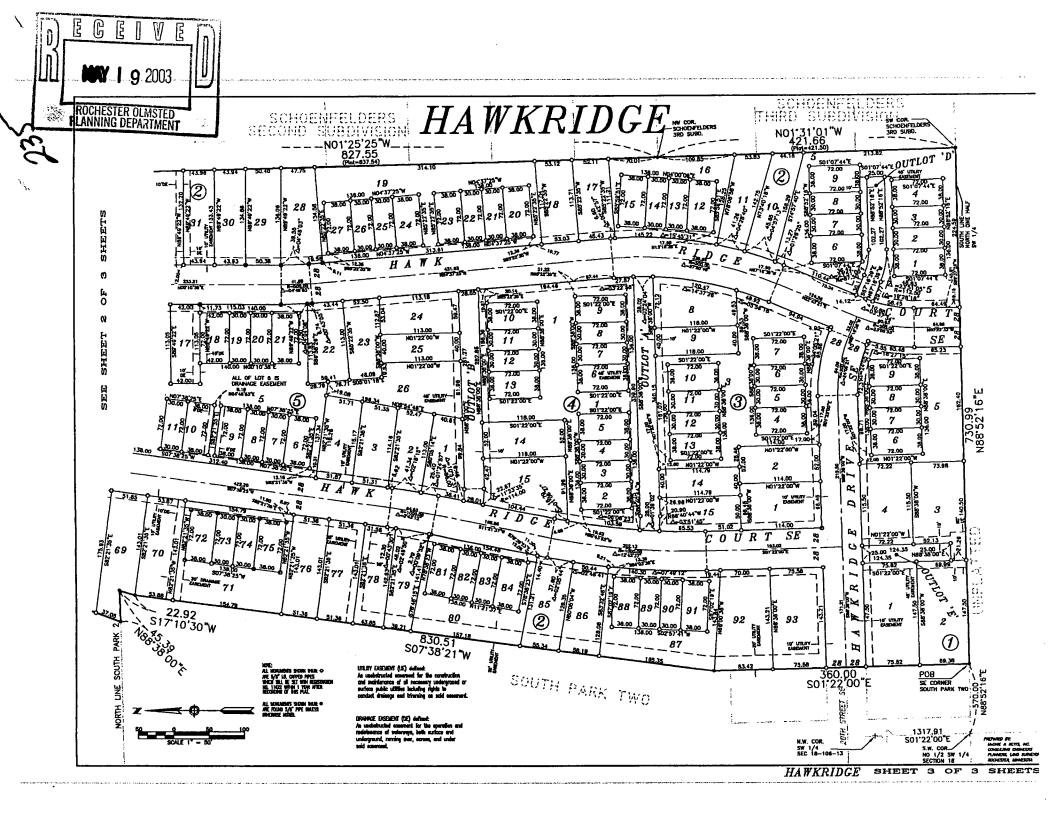
If the Council wishes to proceed a resolution approving the plat can be adopted.

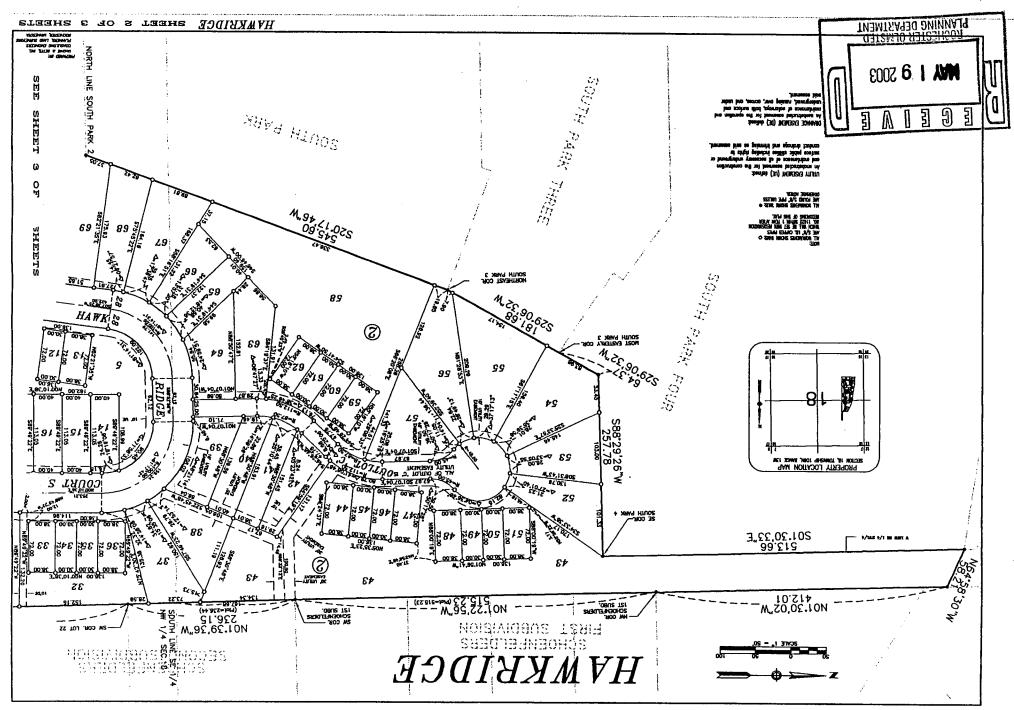
Distribution:

- City Clerk
- 2. City Attorney
- 3. Planning Department File
- Planning Department GIS Division
- 5. McGhie & Betts, Inc.
- 6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday June 2, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION: Motion by:	Second by:	to:











ROCHESTER-OLMSTED
PLANNING DEPARTMENT
2122 CAMPUS DR SE

ROCHESTER MN 55904-4744

ADMINISTRATION/ PLANNING 507/285-8232

GIS/ADDRESSING/

507/285-8232

HOUSING/HRA

507/285-8224 507/285-8213

BUILDING CODE WELL/SEPTIC

507/285-8345

FAX

507/287-2275

TO: Roche

Rochester Common Council

FROM:

Mitzi A. Baker, Senior Planner

DATE:

May 28, 2003

RE:

Final Plat #02-41 to be known as Hawk Ridge.

Planning Department Review:

Applicant/Owner:

Hawkridge, LLC

706 County Road 3 NW

Byron, MN 55920

Surveyors/Engineers:

McGhie & Betts, Inc. 1648 Third Avenue SE

Rochester, MN 55904

Referral Comments:

1. RPU Water Division

2. Rochester Public Works

3. RPU Electric

Report Attachments:

1. Referral Comments

2. Location Map

3. Copy of Final Plat

Plat Data:

Location of Property:

The property is located west of 22nd Avenue SE, east of 20th Avenue SE and south of Pinewood Road SE.

This property includes approximately 27.25 acres of

land.

Zoning:

The property was recently rezoned from the R-1 (Mixed Single Family) district to the R-2 (Low Density Residential) district. The City Council approved the

rezoning on July 15, 2002.

Drainage:

Initial grading was previously approved. Detailed grading and storm water management requirements will be reviewed further at the time of individual lot

development.





Page 2 May 28, 2003

General Development Plan:

This property is included in the Hawk Ridge General Development Plan, which was approved on July 15, 2002.

Preliminary Plat:

The Preliminary Plat was approved for this property in October 2002 subject to the following conditions/modifications:

- 1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities to adjacent properties, and contributions for public infrastructure.
- 2. Stormwater conveyance facilities available to serve this Property may not be adequate. If participation in the City's Storm Water Management Plan (SWMP) is desired, the Owner shall provide an analysis for the South Park ditch and storm sewer system for verification of. If the applicant does not participate in the City's Storm Water management Plan the plat shall be revised to include outlots for stormwater detention facilities.
- 3. Parkland dedication shall be met as outlined in the August 23, 2002 memorandum from Rochester Park and Recreation.
- 4. Development of this property is limited based on there being only a single access serving the property until the Quinstar property to the south is developed. There appears to be 83 existing single family lots (from 28th St through those lying on the north side of 24 ½ Ln SE), that also are served by the same access. The existing lots would consume approximately 830 of the permitted 1200 adt on this access. Based on these estimates phasing of the development of Hawk Ridge is required until a second access is provided. The maximum amount of traffic that shall be generated by this development is 370 adt.
- 5. The developer will be limited to 49 building units on this plat until a secondary access is constructed for the development.
- 6. Ownership & Maintenance of the Outlots needs to be addressed in the Development Agreement and Homeowner's Association documents.
- 7. Prior to the submittal of a final plat for the property to be platted in Common interest Community lands a Performance Residential Plan (PRD) shall be approved for the property.
- 8. All homes with the main floor at or above elevation 1080' shall have 1 ½" copper water services from the water main to the building which will minimize pressure loss during high demand periods.
- 9. A six-inch water main shall be installed within Outlot E from 28th Street SE, to the south property line along with a hydrant, hydrant valve and a main valve. Outlot E must be dedicated for public utilities and a 20-foot minimum utility easement must be extended to the south property line and around the hydrant.
- 10. The Plat must be revised to change the segment of the public roadway designated as Hawk Ridge Court SE to a different roadway type (Drive or Place SE) south of 28th St. SE.

Page 3 May 28, 2003



Planning Staff and Recommendation:

Staff would recommend approval subject to the following conditions:

- 1. Roadway names must be modified on the Final Plat documents consistent with the referral comments from the Planning Department GIS/Addressing staff memo dated May 21, 2003.
- 2. Parkland dedication requirements shall be met via cash in lieu of land, with payment due prior to recording the Final Plat Documents.
- 3. The developer will be limited to 49 building units on this plat until a second access is constructed for the development.
- 4. GIS Impact Fee and E911 Fee shall be paid for this Subdivision prior to recording the Final Plat Documents, per the May 21, 2003 memorandum from the Planning Department GIS/Addressing staff.
- 5. Prior to recording the Final Plat documents, the applicant or consultant shall verify weather building and property boundary separation provided complies with the Building Code requirements for property line setbacks (a memo was previously circulated to the local consulting firms outlining these requirements in both written and graphic form).

Parkland dedication fee in lieu of land must be paid prior to recording the Final Plat Documents.

GIS Impact Fee and E911 Addressing Fee must be paid prior to recording the Final Plat documents.



ROCHESTER

— Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE

Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 5/23/03

The Department of Public Works has reviewed the application for <u>FP#02-41</u> for the proposed <u>Hawkridge</u> development. The following are Public Works comments on the proposal:

- 1. A Development Agreement has been executed for this property.
- 2. A City-Owner Contract has been prepared for this Property. Execution is required prior to construction of public infrastructure.
- 3. Phasing for development of this Property is limited until a second access is provided.

Charges/fees applicable to the development of this property are addressed in the Development Agreement, and City-Owner Contract for the Property. The timing for payment of charges has been phased based on the limitations for development prior to a second access being available.







Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE:

May 21, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County Planning Department

CC:

McGhie and Betts Inc.

RE:

HAWKRIDGE

FINAL PLAT #02-41

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES WILL BE ASSESSED IF THE PLAT IS RECORDED ON OR AFTER JUNE 1, 2003.

GIS IMPACT FEE:

\$1015.00 (163 LOTS/OUTLOTS)

E911 ADDRESSING FEE:

\$2900.00 (145 LOTS/ADDRESSES)

Note: Additional E911 Addressing fees may be required upon site plan review.

A review of the final plat has turned up the following ADDRESS or ROADWAY related issues:

1. The roadway illustrated as HAWKRIDGE DRIVE SE can not be used as this roadway is an extension of 28 STREET SE.

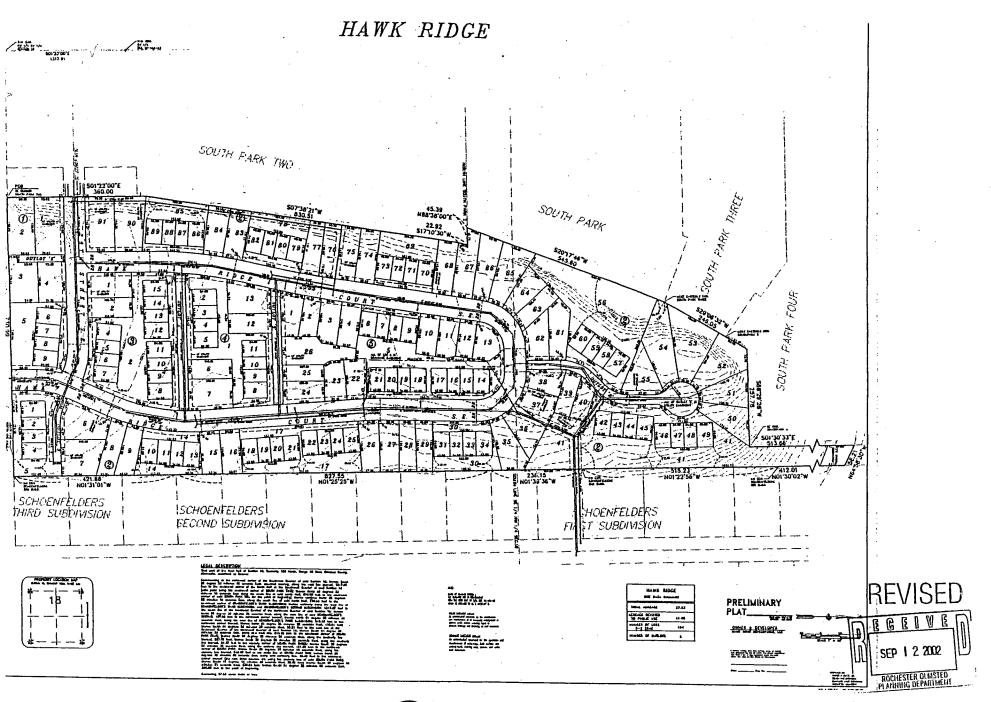
RECOMMENDATION: Change Hawkridge Drive SE to 28 STREET SE.



2. The roadway going south from Hawkridge Drive SE cannot use the roadway type COURT.

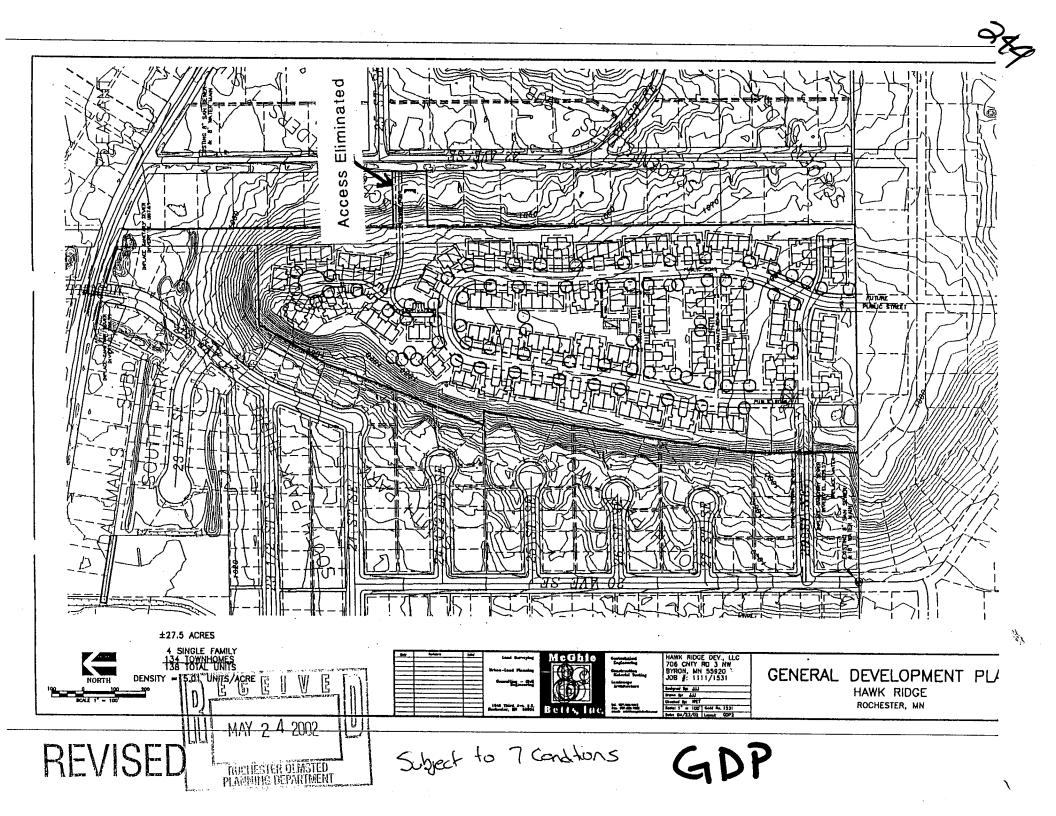
RECOMMENDATION: Change this short segment of roadway to HAWK RIDGE PLACE SE.

3. The private roadways in this plat need to be given designations before addressing of the plat can happen. Coordinate the roadway naming with our staff so duplication doesn't occur, and we can keep Emergency Responders informed.



PRELIMINARY PLAT

in the



REQUEST FOR COUNCIL ACTION

MEETING 06-02-03

AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	E-O
ITEM DESCRIPTION: Final Plat #02-65 to be known Subdivision.	PREPARED BY: Theresa Fogarty, Planner	

May 28, 2003

Staff Recommendation:

Staff would recommend approval, subject to the following conditions:

- 1. A temporary right-of-way easement has been prepared for the area that will connect 51st Street NW from Kingsbury Hills 5th to Wedgewood Hills 5th. If this temporary easement is executed by the abutting Owner, no temporary turn-around, or easement is required at the easterly extent of 51st Street NW. However, a temporary turn-around and applicable easement shall be required for the easterly extent of 51st Street NW, prior to recording the Final Plat, if the temporary easement for the extension of 51st Street NW has not previously been executed by the abutting property owner.
- 2. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the May 21, 2003 memorandum from Rochester-Olmsted Planning Department GIS Division.

Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.

<u> Attachment:</u>

1. Staff Report, dated May 28, 2003.

Distribution:

- 1. City Attorney
- 2. Planning Department File
- 3. McGhie & Betts, Inc.
- 4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, June 2, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION: Motion by:	Second by:	to:	





ROCHESTER-OLMSTED PLANNING DEPARTMENT 2122 CAMPUS DR SE

ROCHESTER MN 55904-4744

ADMINISTRATION/

507/285-8232

PLANNING GIS/ADDRESSING/

507/285-8232

MAPPING HOUSING/HRA

507/285-8224

BUILDING CODE WELL/SEPTIC

507/285-8213 507/285-8345

FAX

507/287-2275

DATE: RE:

TO:

Final Plat #02-65, to be known as Kingsbury Hills Fifth

Subdivision, by Joel Bigelow & Sons Enterprises, Inc.

Planning Department Review:

May 28, 2003

FROM: Theresa Fogarty, Planner

Rochester Common Council

Applicant/Owner:

Joel Bigelow and Sons Enterprises, Inc.

706 County Road 3 NW Byron, MN 55920

Surveyors/Engineers:

McGhie & Betts, Inc. 1648 Third Avenue SE Rochester, MN 55904

Report Attachments:

Referral Comments (2)

2. Copy of Final Plat

3. Location Map

Plat Data:

Location of Property:

The property is located southerly of and adjacent to the SE corner of Kingsbury Hills Subdivision and east of the present dedicated right-of-way for 51st Street

NW in Kingsbury Hills Third Subdivision.

Zoning:

The property is zoned R-1 (Mixed Single Family) district on the City of Rochester Zoning Map.

Proposed Development:

This development consists of 2.69 acres of land to be subdivided into 11 lots for single family development.

Roadways:

The plat proposes to dedicate the extension of 51st

Street NW.

General Development Plan:

This property is included within the Kingsbury Hills General Development Plan (GDP), This property is subject to the terms of the executed Development

Agreement for Kingsbury Hills.



Page 2 Final Plat #02-65 Kingsbury Hills 5th May 27, 2003



Preliminary Plat Staff Review and Recommendation:

A preliminary plat for this area was approved by the Council on February 3, 2003. The approval of the preliminary plat was subject to five (5) conditions: The conditions are listed below:

- 1. Stormwater management must be provided, and a storm water management fee will apply to any areas of this proposed development that participate in the City's Storm Water Management Plan, and do not drain to an existing on-site detention facility.
- 2. Off site easement are required for the storm water discharge to areas outside of this subdivision, and for proposed sanitary sewer and watermain that extend beyond the plat boundaries.
- 3. Parkland dedication requirements shall be met via: cash in lieu of land, per the December 31, 2002 memorandum from Rochester Park and Recreation Department.
- 4. Adequate public facilities are not currently in place to serve this proposed development. The timing for development of this subdivision is dependent on the extension of Trunkline Sanitary Sewer to provide gravity service. The timing of construction, and financial obligations of the Owner, shall be addressed for the infrastructure that is needed to meeting the "Adequate Public Facilities" requirement in the LDM, prior to Final Plat approval.
- 5. Prior to development, a temporary turn around and applicable easement is required at the easterly extent of 51st Street NW.

Planning Staff and Recommendation:

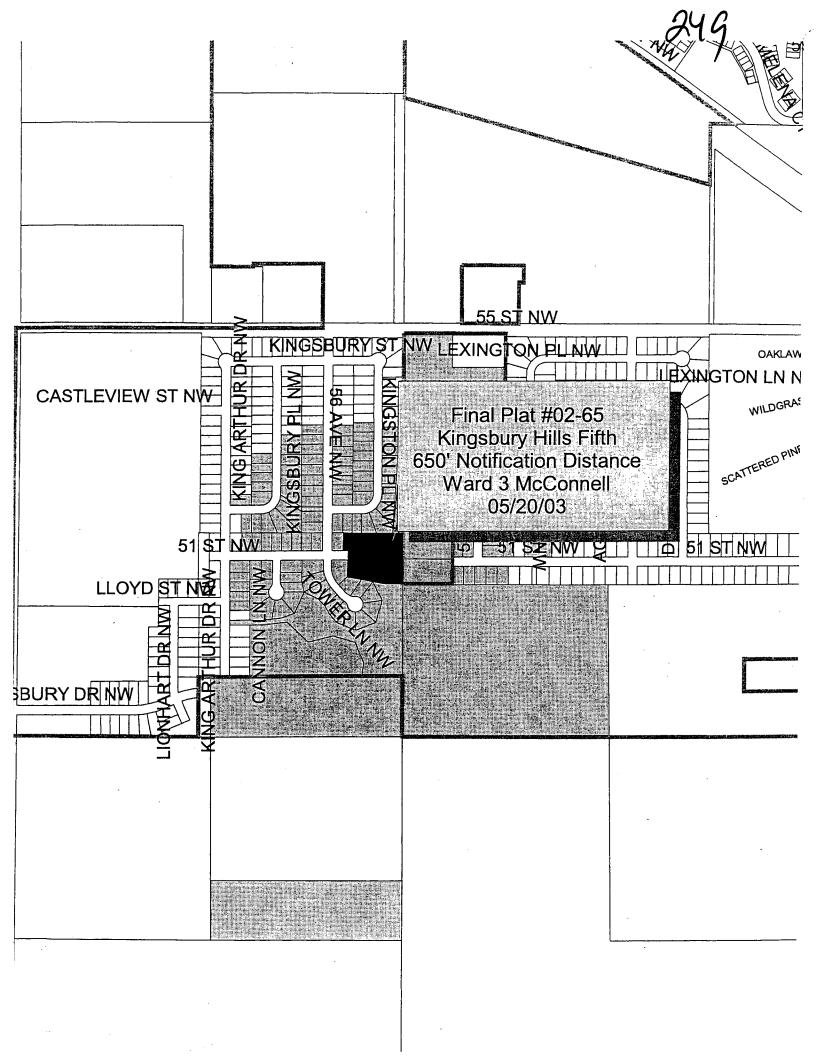
Staff would recommend approval subject to the following conditions:

- 1. A temporary right-of-way easement has been prepared for the area that will connect 51st Street NW from Kingsbury Hills 5th to Wedgewood Hills 5th. If this temporary easement is executed by the abutting Owner, no temporary turn-around, or easement is required at the easterly extent of 51st Street NW. However, a temporary turn-around and applicable easement shall be required for the easterly extent of 51st Street NW, prior to recording the Final Plat, if the temporary easement for the extension of 51st Street NW has not previously been executed by the abutting property owner.
- 2. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the May 21, 2003 memorandum from Rochester-Olmsted Planning Department GIS Division.

Note: Charges/fees applicable to the development of this property are addressed in the Development Agreement.

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Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE:

May 21, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County Planning Department

CC:

McGhie and Betts Inc.

Joel Bigelow & Sons Enterprises, Inc.

RE:

KINGSBURY HILLS FIFTH

FINAL PLAT #02-65

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES WILL BE ASSESSED IF THE PLAT IS RECORDED ON OR AFTER JUNE 1, 2003.

GIS IMPACT FEE:

\$255.00 (11 LOTS/OUTLOTS)

E911 ADDRESSING FEE:

\$220.00 (11 LOTS/ADDRESSES)

Note: Additional E911 Addressing fees may be required upon site plan review.

A review of the final plat has turned up the following ADDRESS or ROADWAY related issues:

1. Upon review of **KINGSBURY HILLS FIFTH** the GIS / Addressing staff has found no issues to bring forth at this time.

25/

ROCHESTER

Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE

Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4th Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 5/23/03

The Department of Public Works has reviewed the application for <u>FP#02-65</u>, for the proposed <u>Kingsbury Hills 5th</u> development. The following are Public Works comments on the proposal:

- 1. A Development Agreement has been executed for this property.
- 2. A City-Owner Contract has been prepared for this Property. Execution is required prior to construction of public infrastructure.
- 3. A temporary right-of-way easement has been prepared for the area that will connect 51st St NW from Kingsbury Hills 5th to Wedgewood Hills 5th. If this temporary easement is executed by the abutting Owner, no temporary turnaround, or easement is required at the easterly extent of 51st ST NW. however, a temporary turn around, and applicable easement will be required for the easterly extent of 51st St NW, prior to recording the Final Plat, if the temporary easement for the extension of 51st St NW has not previously been executed by the abutting property Owner..

Charges/fees applicable to the development of this property are addressed in the Development Agreement, and include:

- Sewer Availability Charge (SAC) @ \$1790.25 per developable acre.
- ❖ Water Availability Charge (WAC) @ \$1790.25 per developable acre.
- ❖ A Stormwater Management Fee @ \$2211.76 per acre, for any area of this property that does not drain toward a detention facility, constructed by the Owner, to serve this property.
- Northwest Transportation Improvement District (NWTID) @ \$2007.14 per gross acre
- Traffic Signs as determined by the City Engineer



REQUEST F	06-02-03			
AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	ITEM NO.		
ITEM DESCRIPTION: Final Plat #03-16 to be Berean Fundamental Church.	PREPARED BY: Theresa Fogarty, Planner			
May 28, 2003				
Staff Recommendation:				

Statt Recommendation:

Staff would recommend approval subject to the following conditions:

1. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the May 21, 2003 memorandum from Rochester-Olmsted Planning Department - GIS Division.

Council Action Needed:

If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.

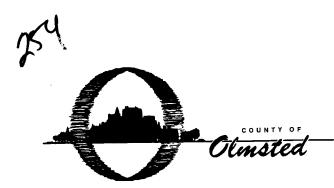
Attachment:

Staff Report, dated May 28, 2003.

Distribution:

- City Attorney 1.
- Planning Department File 2.
- Massey Land Surveying, Inc. 3.
- Applicant: This item will be considered sometime after 7:00 p.m. on Monday, June 2, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

•			
COUNCIL ACTION: Motion by:	Second by:	to:	





ROCHESTER-OLMSTED PLANNING DEPARTMENT 2122 CAMPUS DR SE

ROCHESTER MN 55904-4744

ADMINISTRATION/

507/285-8232

PLANNING

507/285-8232

GIS/ADDRESSING/ MAPPING

507/285-8224

HOUSING/HRA BUILDING CODE

507/285-8213

WELL/SEPTIC

507/285-8345

FAX

507/287-2275

DATE:

FROM:

May 28, 2003

RE:

TO:

Final Plat #03-16 to be known as Berean First Addition by Berean

Fundamental Church.

Rochester Common Council

Theresa Fogarty, Planner

Planning Department Review:

Applicant/Owner:

Berean Fundamental Church 1225 Elton Hills Drive NW Rochester, MN 55901

Surveyors/Engineers:

Massey Land Surveying, Inc.

33B East Veterans Memorial Highway

P.O. Box 428 Kasson, MN 55944

Report Attachments:

1. Copy of Final Plat

2. Location Map

3. Referral Comment - Planning Department - GIS

Division

Plat Data:

Location of Property:

The property is located along the west side of Kenosha Drive NW and along the south side of

Valleyhigh Road NW.

Zoning:

The property is zoned R-3 (Medium Density

Residential) district on the City of Rochester Zoning

Map.

Proposed Development:

The applicant is proposing to re-subdivide Lot 2,

Block 5 Badger Ridge subdivision into 2 lots for

development.

Roadways:

There are no new roadways being dedicated with this

Plat.



Page 2 Final Plat #03-16 Berean First Addition May 28, 2003

General Development Plan:

This property is included within the Badger Ridge General Development Plan (GDP), This property is subject to the terms of the executed Development Agreement for Badger Ridge.

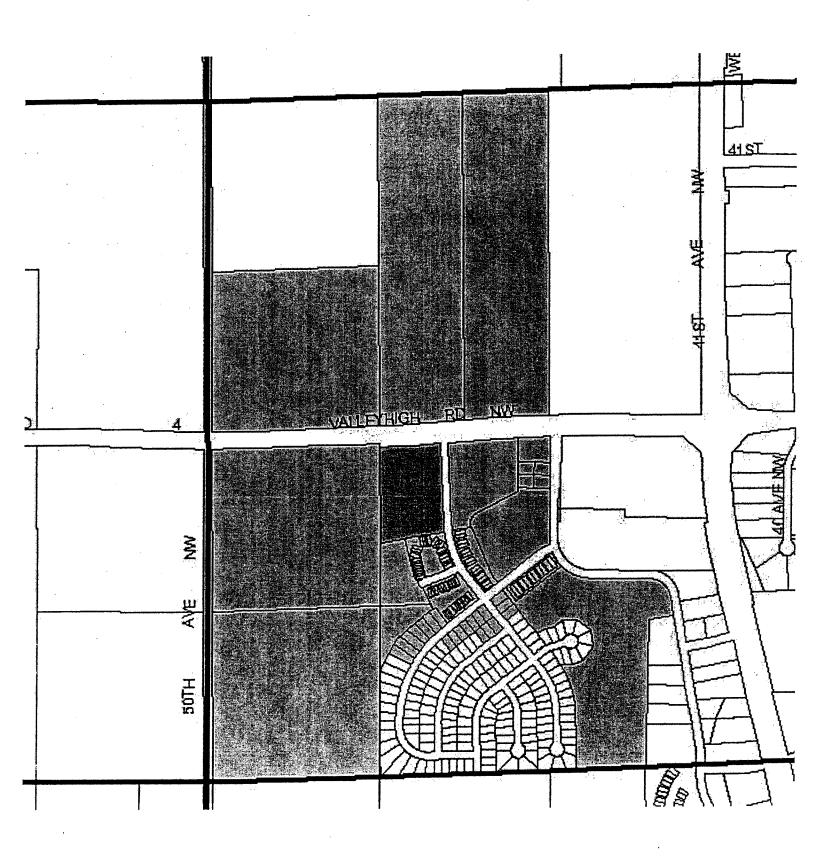
Planning Staff and Recommendation:

Staff would recommend approval subject to the following condition:

1. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the May 21, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.

NOTE: Charges/fees applicable to the development of this property are addressed in the Development Agreement and have been paid through the City-Owner Contract for Badger Ridge First Subdivision.

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YALLEYHIGH RD. N.W.	· is	UTILITY FASSMENT DEFINED	MENTS
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PLANNING DEPARTMENT		BEREAN FIRST ADDITION	



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Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE:

May 21, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County Planning Department

CC:

RE:

BEREAN FIRST ADDITION

FINAL PLAT #03-16

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES WILL BE ASSESSED IF THE PLAT IS RECORDED ON OR AFTER JUNE 1, 2003.

GIS IMPACT FEE:

\$210.00 (2 LOTS/OUTLOTS)

E911 ADDRESSING FEE:

\$40.00 (2 LOTS/ADDRESSES)

Note: Additional E911 Addressing fees may be required upon site plan review.

A review of the final plat has turned up the following ADDRESS or ROADWAY related issues:

1. Upon review of <u>BEREAN FIRST ADDITION</u> the GIS / Addressing staff has found no issues to bring forth at this time.

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 6-02-03 ITEM NO. ORIGINATING DEPT: **AGENDA SECTION: PLANNING** PUBLIC HEARINGS ITEM DESCRIPTION: Text Amendment #03-04 initiated by the City Planning and Zoning PREPARED BY: Commission, to amend Sections 64.260, 64.261, 64.262, and 64.263 of Janice K. Chezick, the Rochester Zoning Ordinance and Land Development Manual. GIS Supervisor May 27, 2003 City Planning and Zoning Commission Recommendation: On May 14, 2003, the City Planning and Zoning Commission held a public hearing to review the proposed text amendment. The amendment addresses changing the Address Quadrant Roadway System and E911 addressing authority identification. The Planning & Zoning Commission found that the proposed amendment meets the criteria outlined in Paragraph 60.338 (2) of the Land Development Manual and recommended approval of the proposed text amendment. The Commission recommend to approve Text Amendment #03-04 with staff suggested findings. Motion carried 8-0. Planning Staff Recommendation: See attached staff report dated May 9, 2003. **Council Action Needed:** 1. The Council shall hold a public hearing according to the procedures of Paragraphs 60.650 and 60.651 of the Zoning Ordinance. The Council may approve or deny this petition. The Council's decision must be supported by finding based on the criteria listed in Paragraph 60.338 (2) of the Zoning Ordinance as follows: a) whether there is a public need for the amendment; b) whether the amendment will accomplish one or more of the purposes of this ordinance, the Comprehensive Plan or other adopted plans or policies of the City of Rochester; c) whether adoption of the amendment will be lawful. 2. Instruct the City Attorney to prepare an ordinance that can be adopted. Since the Addressing Staff is required to create addresses within the Grandeville at Cascade Lake development, staff recommends that the Council suspend the rules and have the second reading of the Ordinance on June 2, 2003. This would permit staff to move forward with addressing the plat, in addition to being able to provide future recommendations for E911 addresses and roadway names during the review process for ongoing development within the area. **Distribution:** 1. City Clerk 2. City Administrator 3. City Attorney: Staff requests the Council suspend the rules and have the second reading of the Ordinance on June 2, 2003. 4. Planning Department File

COUNCIL ACTION: Motion by:______ second by:______ to:



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

Tlusted

www.olmstedcounty.com/planning



TO: CITY PLANNING AND ZONING COMMISSION

FROM: JAN CHEZICK, GIS COORDINATOR/SUPERVISOR

DATE: May 8, 2003

RE: Text Amendment #03-04 initiated by the City Planning and Zoning Commission, to amend Sections 64.260, 64.261, 64.262, and 64.263 of the Rochester Zoning Ordinance and Land Development Manual. The amendment addresses changing the address Quadrant Roadway System and E911 Addressing authority identification.

Applicant:

City Planning and Zoning Commission

Proposed Text Amendment:

The CPZC initiated a text amendment to Sections 64.260, 64.261, 64.262, and 64.263 of the Rochester Zoning Ordinance and Land Development Manual and addresses changing the Address Quadrant Roadway System and identifies E911 Addressing authority.

Referral Comments:

Those agencies responding had only minor comments relating to the definition of "boulevard" in Sections 64.200 and 64.262, which was clarified as not the same: 64.200 refers to the physical features of a roadway and 64.262 refers to the roadway type used for E911 addressing.

An additional comment referred to the use of "street" and "roadway" in Sections 64.260, 64.262, and 64.263. For the purposes of E911 Addressing, "street" is recognized as a Roadway Type. For clarification, documentation referencing E911 Addressing and Roadway Naming uses the general term of "roadway" instead of "street". Street is *only* used when referring to the roadway type.



Summary

Sections 64.260 and 64.263 of the <u>Rochester Zoning Ordinance and Land Development Manual</u> needs to be changed to identify the correct authority for the review, recommendation, and approval of roadway names. This change was incorporated into the Rochester Code of Ordinances Chapter 74, Sections 74.02 and 74.03, on March 7, 2000.

The definition of the boundary lines for the Quadrant Roadway System needs to be redefined because of the Grandeville at Cascade Lake development. If this redefinition does not occur, we will have a mixture of NW and SW roadway quadrants within the same development. The existing quadrant system grid lines created this issue by cutting across the new roadways within the development, causing confusion with Emergency Responders. During the plat review process it was determined the best solution to prevent this confusion was to use SW as the quadrant designation for the entire development. This solution does require changing the existing boundary lines of the Quadrant Roadway System to capture the Grandeville at Cascade Lake development and a portion of the surrounding lands.

The language that is being proposed for Section 64.260, 64.261, 64.262, and 64.263, is as follows:

64.260 QUADRANT ROADWAY SYSTEM

The numerical quadrant system is hereby adopted as the primary basis for identifying all public roadways within the city, including without limitation public roadways created by plat, deed, easement, or user. Names may be used when the roadway alignment does not permit the use of numbers. In that case names must be approved by the Planning Director, as provided for in RCO, Chapter 20.16, or his authorized representative.

64.261

City Divided Into Quadrants: For the purpose of roadway identification and unique E911 addresses, the City is divided into four quadrants of NW, SW, SE, and NE. Any roadway that forms the dividing line between quadrants will be identified as N, S, E, or W as applicable.

The dividing line separating east from west extends north along the centerline of Highway 63, from its intersection with the southern most city limits, to a point at the intersection of U.S. 63 and East River Road NE, thence due west to the imaginary intersection with the Zumbro River, thence north along the centerline of the Zumbro River, to the northern most city limits.

The dividing line separating north from south extends east from the intersection of Country Club Road West with the western most city limits, thence east along Country Club Road West (County Road 34) to its intersection with Wimbledon Hills Drive SW, thence north to the center of section 33, Cascade Township, thence easterly along the quarter section line to the section line, thence

southeasterly to the western end of West Center Street, thence east along West Center Street, to East Center Street and its intersection with 19th Avenue SE, thence south along 19th Avenue SE to its intersection with College View Road East (County Road 9), thence east along College View Road East to an intersection with the eastern most city limits.

64.262

Designation of Public or Private Roadways: Public or private roadways may be designated according to the terms defined in this section:

- 1. **Avenue** means a roadway aligned in a north and south direction, conforming to the appropriate address grid line, and generally designated by a number.
- 2. Boulevard means a roadway divided by a landscaped center island and generally designated by a name.
- 3. Circle means a roadway containing a closed loop that is not interrupted by a through roadway and generally designated by a name.
- 4. Court means a roadway having a horseshoe shape and whose terminus point begin and end at the same roadway and generally designated by one name throughout its entire length.
- 5. Drive means a curvilinear roadway of more than 1,000 feet in length and generally designated by a name.
- 6. Lane means a roadway ending in a cul-de-sac that is not interrupted by a through roadway and generally designated by a name.
- 7. Parkway means a special scenic route or park drive generally designated by a name.
- 8. Place means a short curvilinear or diagonal roadway less than 1,000 feet in length generally designated by a name.
- 9. Private Roadway means a roadway constructed on private land and not maintained by a city, a township, or Olmsted County. (Refer to Section 64.240).
- 10. Road means a diagonal or curvilinear roadway more than 1,000 feet in length and generally designated by a name.
- 11. Street means a roadway aligned in an east-west direction, conforming to the appropriate address grid line, and generally designated by a number.

64.263

Administration: It shall be the responsibility of the Planning Director to administer the roadway identification system. The Planning Director, or his authorized representative, shall examine the roadway numbers or names on all proposed plats and submit a recommendation to the Council. The Planning Director, or his authorized representative, shall also, from time to time, examine the identification of existing public roadways and recommend to the Council such changes as deemed necessary in furtherance of the City roadway identification system.

Staff Recommendation:

In reviewing a proposed text amendment the Commission and Council must consider the provisions of Paragraph 60.338(2) as follows:

- 60.338 Recommendations of the Commission and final determinations of the Council shall be supported by findings addressing the relationship of the proposed amendment to the following policies:
- I. In the case of amendments to the text of the Zoning Ordinance;
 - A. whether there is a public need for the amendment;
 - B. whether the amendment will accomplish one or more of the purposes of this ordinance, the Comprehensive Plan or other adopted plans or policies of the City of Rochester.
 - C. whether adoption of the amendment will be lawful

The staff suggests the following findings:

- 1. There would appear to be a public need for the amendment to avoid confusion to Emergency Responders when traveling through a development.
- 2. The proposed amendment may serve to accomplish purposes of this ordinance in that it provides a quadrant roadway system that better fits existing and future development.
- 3. The proposed amendment would be lawful.

Staff recommends that CPZC and the City Council amend Sections 64.260, 64.261, 64.262, and 64.263 of the Rochester Zoning Ordinance and Land Development Manual to reflect the correct authority and new quadrant grid boundaries as defined above. These changes are critical for providing addresses and roadway signage within the Grandeville at Cascade Lake development, in addition to providing future recommendations for E911 addresses and roadway names during the review process for future development in the area.

Attachments:

Rochester Zoning Ordinance and Land Development Manual text – Sections 64.260, 64.261, 64.262, and 64.263.



Chapter 64 Site Design Policies

64.260 QUADRANT STREET ROADWAY SYSTEM

The numerical quadrant system is hereby adopted as the primary basis for identifying all public streets roadways within the city, including without limitation public streets roadways created by plat, deed, easement, or user. Names may be used when the street roadway alignment does not permit the use of numbers. In that case names must be approved by the Gity Engineer in ecoperation with the Planning Director, as provided for in RCO, Chapter 20.16, or his authorized representative.

64.261

City Divided Into Quadrants: For the purpose of roadway identification and unique E911 addresses, the City is divided into four quadrants of NW, SW, SE, and NE. These quadrants (roadway post-directional designations) are necessary to maintain a unique roadway identification system. Any roadway that forms the dividing line between quadrants will be identified as N, S, E, or W as applicable.

The dividing line separating east from west; extends north along the centerline of Highway 63, from its intersection with the southern most city limits, to a point at the intersection of U.S. 63 and East River Road NE, thence due west to the imaginary intersection with the Zumbro River, thence north along the centerline of the Zumbro River, to the northern most city limits.

The dividing line separating north from south; extends east from the intersection of Country Club Road West with the western most city limits, thence east along Country Club Road West (County Road 34) to its intersection with Wimbledon Hills Drive SW, thence north to the center of section 33, Cascade Township, thence easterly along the quarter section line to the section line, thence southeasterly to the western end of West Center Street, thence east along West Center Street, an imaginary intersection of Country Club Road West and the westerly prolongation of West Center Street, then east along the prolongation and West Center Street, to East Center Street and its intersection with 19th Avenue SE, thence south along 19th Avenue SE, to an its intersection with College View Road East (County Road 9), thence east along College View Road East to an intersection with the eastern most city limits.

64.262

Designation of Public or Private Roadways: Public or private roadways may be designated according to the terms defined in this section:

- Avenue means a roadway aligned in a north and south direction, conforming to the appropriate address grid line, and generally designated by a number.
- 2. <u>Boulevard</u> means a roadway divided by a landscaped center island and generally designated by a name.
- 3. Circle means a roadway containing a closed loop that is not interrupted by a through roadway and generally designated by a name.
- 4. Court means a roadway having a horseshoe shape and whose terminus point begin and end at the same roadway and generally designated by one name throughout its entire length.
- 5. Drive means a curvilinear roadway of more than 1,000 feet in length and generally designated by a name.
- 6. Lane means a roadway ending in a cul-de-sac that is not interrupted by a through roadway and generally designated by a name.
- 7. Parkway means a special scenic route or park drive generally designated by a name.
- 8. Place means a short curvilinear or diagonal roadway less than 1,000 feet in length generally designated by a name.
- 9. Private Roadway means a roadway constructed on private land and not maintained by a city, a township, or Olmsted County. (Refer to Section 64.240).
- 10. Road means a diagonal or curvilinear roadway more than 1,000 feet in length and generally designated by a name.
- 11. Street means a roadway aligned in an east-west direction, conforming to the appropriate address grid line, and generally designated by a number.

guφ

Administration: It shall be the responsibility of the City Engineer in cooperation with the Planning Director to administer the street_roadway identification system. The City Engineer_Planning Director, or his authorized representative, shall examine the street_roadway numbers or names on all proposed plats and submit a recommendation to the Council. The City Engineer Planning Director, or his authorized representative, shall also, from time to time, examine the identification of existing public streets_roadways and recommend to the Council such changes as deemed necessary in furtherance of the City street_roadway identification system.

top of page next page

Rochester-Olmsted Planning Department 2122 Campus Drive SE, Suite 100 Rochester, MN 55904 (507) 285-8232

REQUEST FOR COUNCIL ACTION

DATE:

ITEM NO.

6/2/03

AGENDA & LCTION:

REPORTS and RECOMMENDATIONS

ORIGINATING DEPT:

Public Works

ITEM DESCRIPTION:

Agreement with Olmsted County for 55th Street NW & TH 52 W.

Frontage Rd Traffic Signal and Local Street Connection

PREPARED BY: R. Freese

Over the course of the past 15 years the City Council and the County Board have discussed the merits of providing an internal city street connection between the Harborage and 55th Street Estates Subdivisions. The County Board and Cascade Township have insisted that this local street connection (Villa Road) should be constructed to conform to the West Circle Drive access management guidelines formulated in the 1980s. The Harborage Subdivision was platted in 1984 with a 70-foot wide right-of-way named Villa Road extending west from Longboat Road NW. To date, this 113foot long section of city street has not been constructed. The City Council has maintained that the Harborage neighborhood's concern for increased traffic in their neighborhood primarily from North Park residents did not warrant the inter-neighborhood connection and the associated circulation benefits. Last year the City annexed the 55th Street Estates subdivision after it had become surrounded by recent annexations to the north.

MnDOT has approved traffic detour signing plans for the closure of each of the TH 52 interchange access ramps for the entire TH 52 Project. By provisions in the RFP, ZRC cannot close access from two adjacent interchanges at the same time. The detour plans for the closure of the following intersection ramps will route traffic on the West Frontage Road between 55th Street and 41st Street and through the intersection of 55th Street NW and the TH 52 WFR:

- 1. 55th Street NW ramp to TH 52 Northbound CLOSED for 5 days
- TH 52 Southbound ramp to 55th Street NW CLOSED for 5 days TH 52 Northbound ramp to 55th Street NW CLOSED for 5 days
- 55th Street NW ramp to TH 52 Southbound CLOSED for 5days
- TH 52 Southbound ramp to 41st / 37th Street NW CLOSED for 10 days
- TH 52 Northbound ramp to 37th / 41st Street NW CLOSED for 5 days

In addition, the following detours route traffic onto West Circle Drive and through the intersection of 55th Street NW and the TH 52 WFR:

- 8. TH 52 Southbound ramp to Civic Center Drive CLOSED for one (1) construction season
- TH 52 Southbound ramp to TH 14 Westbound CLOSED for 6 weeks
- 10. TH14 / Civic Center Drive ramps to TH52 Northbound CLOSED for one (1) construction season

The public safety issues and concerns at this intersection of 55th Street NW and the TH 52 WFR have been previously documented at previous City Council Meetings. The traffic volumes, delays and congestion continue to increase and will become significantly problematic during seven (7) of the above mentioned TH 52 ramp closures. City staff recommend that the City Council authorize the Mayor and City Clerk to execute a Signal Agreement with the County for the construction of a traffic signal at the intersection of 55th Street NW and the TH 52 WFR in 2003 and construction by the City of Villa Road between the Harborage and 55th Street Estates Subdivisions by September 2004. Funding for the City share (\$100,000) of the signal project to come from Municipal State Aid and funding for the Villa Road connection (\$70,000 estimate) to be included in the 2004 Budget.

COUNCIL ACTION REQUESTED:

- 1. Authorize the Mayor and City Clerk to execute a Signal Agreement with the County for the construction of a traffic signal at the intersection of 55th Street NW and the TH 52 WFR in 2003 and construction by the City of Villa Road between the Harborage and 55th Street Estates Subdivisions by September 2004.
- 2. Authorize the City Engineer to update the traffic signal plans and specifications and order materials for the construction of the traffic signal in 2003.

COUNCIL ACTION: Motion by:	Second by:	to:

26%

REQUEST FOR COUNCIL ACTION

DATE: 6/2/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.					
RESOLUTIONS AND ORDINANCES	CITY ATTORNEY'S OFFICE	G					
ITEM DESCRIPTION: RESOLUTIONS AND ORDINANCES		PREPARED BY: TERRY ADKINS					
G. 1. RESOLUTIONS							
G. 2. FIRST READING OF ORDINANCES, as appropriate.							
G. 3. SECOND READING OF ORDINANCES (for a	doption).						
 a) An Ordinance Annexing To The City Of Relating Apart Of the Southwest Quarter Of The Southwest Quarter Of The South Range 14 West, Olmsted County, Minnesota. Menards South and Shopko South. 	outhwest Quarter Of Section 13,	Fownship 106 North,					
 b) An Ordinance Annexing To The City of Ro- A Part Of The Northeast Quarter Of Section 8 County, Minnesota. Said property is located S Subdivision, West of Wedgewood Hills Third a 	, Township 107 North, Range 14 outh of 55 th Street NW, East of K	West, Olmsted (ingsbury Hills					
G. 4. MISCELLANEOUS							
COUNCIL ACTION: Motion by:	Second by:	to:					

REQUEST FOR COUNCIL ACTION MEETING

			DATE: _	6-2-03
AGENDA SECTION:		ORIGINATING DEPT:	ITEM NO.	
CONSENT	AGENDA	Public Works		
ITEM DESCRIPTION:	MORATORIUM ON ALL REQUOF OR MODIFICATION TO PA		PREPARED I	
A moratorium restrictions fo	is requested on the installation are 120 days.	of new, or modification to exist	ing, parking	
restrictions, w restriction clas 5:30 PM), no commodity los	cement has become increasingly ith varying times, that are presenses are: residential permit park parking (business hours, e.g. 6 / ading zones, no parking Novembonly, usually 7:30AM- 3:30 PM),	nt in any given neighborhood. king, no parking (peak hours, e AM- 6 PM) passenger loading zoer 1- April 1, truck loading zon	The major pa .g. 6-9 AM, & zones, passe les, no parkin	arking 3:00- nger and
COUNCIL ACTION	REQUESTED:			
COUNCIL ACTION:	Motion by:	Second by:1	io:	